

Washington, Saturday, July 29, 1944

Regulations

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office
[Administrative Order 33]

PART 12—DESIGNATIONS OF EMPLOYEES TO ACT AS OR FOR THE COMPTROLLER GENERAL OF THE UNITED STATES

DESIGNATIONS OF EMPLOYEES TO ACT AS COMPTROLLER GENERAL

JUNE 29, 1944.

By virtue of and pursuant to the authority vested in me by a provision in the Independent Offices Appropriation Act, 1945, Public Law 358, 78th Congress, the following order is hereby issued.

§ 12.1 Designations of employees to act as Comptroller General. I hereby designate J. C. McFarland, the General Counsel of the General Accounting Office, to act as Comptroller General of the United States during the absence or incapacity of the Comptroller General and the Assistant Comptroller General, or during a vacancy in both of such offices; also, I hereby designate Dudley W. Bagley, the Assistant to the Comptroller General of the United States during the absence or incapacity of the Comptroller General, the Assistant Comptroller General and the General Counsel. (Pub. Law 358, 78th Cong.; 58 Stat. 361, 371)

[SEAL]

Lindsay C. Warren, Comptroller General of the United States.

[F. R. Doc. 44-11230; Filed, July 28, 1944; 10:01 a. m.]

- [Administrative Order 35]

PART 12—DESIGNATIONS OF EMPLOYEES TO ACT AS OF FOR THE COMPTROLLER GEN-ERAL OF THE UNITED STATES

DESIGNATION OF EMPLOYEE-TO ACT FOR COMPTROLLER GENERAL

JULY 26, 1944.

By virtue of and pursuant to the authority vested in me, as Comptroller General of the United States, by the pro-

visions of section 311 (e) of the Budget and Accounting Act, 1921, 42 Stat. 25, 31 U.S.C. 52 (e), the following order is hereby issued:

§ 12.2 Designation of employee to act for the Comptroller General—(a) Certificates to copies of records, documents, etc. I hereby designate R. F. Martin, Chief Clerk of the General Accounting Office, to certify, for the Comptroller General of the United States, copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the General Accounting Office, as provided for by section 306 of the Budget and Accounting Act, 1921, 42 Stat. 24, 31 U.S.C. 46. (See 4 CFR 3.3) (Sec. 311 (e), Budget and Accounting Act, 1921; 42 Stat. 25, 31 U.S.C. 52 (e))

[SEAL] LINDSAY C. WARNEN,

Comptroller General

of the United States.

[F. R. Doc. 44-11231; Filed, July 28, 1844; 10:01 a. m.]

TITLE 6-AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration
PART 24—THE FEDERAL LAND BANK
OF LOUISVILLE

APPLICATION AND LOAN FEES

Section 24.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 24.1 Application and loan fees. No application or loan fees shall be charged. (Sec. 13 "Ninth," 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth," 723 (e), 1016 (e), and Sup.; 6 CFR 19.322 and 19.330) [Res. Bd. Dir., June 19, 1944]

Section 24.12 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 24.12 Fees for division of existing loans. No fees for the division of an existing loan shall be charged. (Sec. 13 "Ninth," 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C.

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

Book 1: Titles 1-3 (Presidential documents) with tables and index.
Book 2: Titles 4-9, with index.
Book 3: Titles 10-17, with index.
Book 4: Titles 18-25, with index.
Book 5, Part 1: Title 26, Parts 2-178.
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781 "Ninth," 723 (e), 1016 (e) and Sup.; 6 CFR 19.326) [Res. Bd. Dir., June 19, 1944]

The Federal Land Bank of Louisville acting in its own behalf and as attorney-in-fact for the Federal Farm Mortgage Corporation.

[SEAL]

E. RICE, President.

Confirmed:

L. A. GREENE,
Assistant Secretary.

[F. R. Doc. 44-11227; Filed, July 28, 1944; 10:02 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[WFO 79-1 to 79-33, inc.; 79-35, 79-38 to 79-81, inc.; 79-83 to 79-101, inc.; 79-141; 79-142; and 79-144, Gen. Amdt. 4]

PART 1401-DAIRY PRODUCTS

GENERAL AMENDMENT TO CERTAIN WAR FOOD ORDERS ISSUED BY THE DIRECTOR ALLOCAT-ING MILK BYPRODUCTS

In the determination of quotas for milk byproducts, including cottage, pot, or baker's cheese, for the quota period of August 1944, the quota for milk byproducts shall be 90 percent of deliveries of milk byproducts, including cottage, pot, or baker's cheese, made by handlers during the base period (notwithstanding quotas heretofore assigned) in each of the orders mentioned below:

The following orders issued by the Director of Distribution in accordance with the provisions of War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319) dated September 7, 1943, as amended, and said orders issued by the Director are designated as WFO 79-1 to 79-33, inclusive; 79-35; 79-38 to 79-81, inclusive; 79-83 to 79-101, inclusive; 79-141; 79-142; and 79-144.

This order shall become effective at 12:01 a.m., e. w. t., August 1, 1944. With respect to any violation of said War Food Order No. 79, as amended, or any of the aforesaid orders issued by the Director pursuant thereto, any right accrued, or liability incurred, prior to the effective time of this amendment, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8

F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 26th day of July 1944.

LEE MARSHALL, Director of Distribution.

[F. R. Doc. 44-11217; Filed, July 27, 1944; 12:52 p. m.]

[WFO 79-103 to 79-114, inc.; and 79-116 to 79-140, inc., Gen. Amdt. 5]

PART 1401-DAIRY PRODUCTS

GENERAL AMENDMENT TO CERTAIN WAR FOOD ORDERS ISSUED BY THE DIRECTOR ALLOCAT-ING CREAM AND MILK BYPRODUCTS

In the determination of quotas for cream and milk byproducts for the quota period of August 1944, the quota for cream and milk byproducts shall be 85 percent of deliveries of cream and milk byproducts made by handlers during the base period (notwithstanding quotas heretofore assigned), in each of the orders mentioned below:

The following orders issued by the Director of Distribution in accordance with the provisions of War Food Order No. 79 (8 F. R. 12426, 9 F. R. 4321, 4319) dated September 7, 1943, as amended, and said orders issued by the Director are designated as WFO 79-103 to 79-114, inclusive; and 79-116 to 79-140, inclusive.

This order shall become effective at 12:01 a.m., e.w. t., August 1, 1944. With respect to any violation of said War Food Order No. 79, as amended, or any of the aforesaid orders issued pursuant thereto, any right accrued, or liability incurred, prior to the effective time of this amendment, all of the provisions in each of the aforesaid orders shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321; 4319)

Issued this 26th day of July 1944.

LEE MARSHALL, Director of Distribution.

[F. R. Doc: 44-11218; Filed, July 27, 1944; 12:52 p. m.]

[WFO 79-115, Amdt. 4]

- PART 1401-DAIRY PRODUCTS

FLUID MILK AND CREAM IN MIAMI, FLA., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof. War Food Order 79–115 (9 F.R. 632, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Miami, Florida, metropolitan milk sales area, is hereby further amended as follows:

In § 1401.149 (e) (3) of WFO 79–115, as amended, in the case of the base for gream and milk byproducts for the quota period of August 1944, delete the percentage "60" and substitute therefor the percentage "70".

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., August 1, 1944. With respect to violations of said War Food Order No. 79-115, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-115, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 26th day of July 1944.

LEE MARSHALL, Director of Distribution.

[F. R. Doc. 44-11219; Filed, July 27, 1944; 12:52 p. m.]

[WFO 79-143, Amdt. 3]

PART 1401-DAIRY PRODUCTS

FLUID MILK AND CREAM IN ST. PETERSBURG, FLA., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–143 (9 F.R. 3763, 4321, 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the St. Petersburg, Florida, metropolitan milk sales area, is hereby further amended as follows:

In § 1401.177 (e) (3) of WFO 79-143, as amended, in the case of the base for cream and milk byproducts for the quota period of August 1944, delete the percentage "60" and substitute therefor the percentage "70".

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., August 1, 1944. With respect to violations of said War Food Order No. 79–143, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–143, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 12426, 13283, 9 F.R. 4321, 4319)

Issued this 26th day of July 1944.

LEE MARSHALL, Director of Distribution.

[F. R. Doc. 44-11220; Filed, July 27, 1944; 12:52 p. m.]

[WFO 93-1]

PART 1401-DAIRY PRODUCTS

REPORTS RELATIVE TO DEJED MILK

Pursuant to the authority vested in me by War Food Order No. 93, 9 FR. 4321, 4319 (formerly designated as Food Distribution Order No. 93, 9 FR. 2076, as issued by the Assistant War Food Administrator on February 18, 1944), and to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1401.20 Reports relative to dried milk—(a) Definitions. Unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, each term used in War Food Order No. 93 shall, when used herein, have the same meaning as is set forth for such term in said War Food Order No. 93.

(b) Reports to be filed. (1) Each person who, during the calendar month of March 1944, sold dried milk which was produced by him shall correctly complete Form 93-2, "Dried Milk Products, Dried Milk Compounds, and Infant Foods," for such calendar month and shall mail such completed form to Order Administrator, War Food Order No. 93, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C., within 15 calendar days after the effective time hereof, if such form has not heretofore been so submitted by such person.

(2) Each person who, during the quota period beginning on April 1, 1944, sold dried milk which was produced by him shall correctly complete Form 93-2, "Dried Milk Products, Dried Milk Compounds, and Infant Foods," for such quota pariod and mail such completed form to the Order Administrator, War Food Order No. 93, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C., within 15 days after the effective date hereof. This provision shall not, however, apply to any person who has heretofore submitted the aforesaid report for the quota period beginning on April 1, 1944.

(3) Each person who, during the quota period beginning on July 1, 1944, or any succeeding quota period, sells dried milk which was produced by him shall correctly complete Form 93–2, "Dried Milk Products, Dried Milk Compounds, and Infant Foods," for each such quota period and mail such completed form to Order Administrator, War Food Order No. 93, Dairy and Poultry Branch, Office of Distribution, War Food Administration, Washington 25, D. C., within 15 calendar days after the last calendar day of the quota period for which such report is submitted.

(4) After the effective time of this order, each producer of dried milk shall correctly complete form "Dairy Products Report No. 1" (U. S. D. A. Form No. O. E. 9–119), for each calendar month and shall mail such completed form to the U. S. Department of Agriculture, Box 6910–A, Chicago, Illinois, not later than the tenth day of the next succeeding

calendar month.

(c) Effective date. This order shall become effective at 12:01 a. m., e. w. t., August 1, 1944.

Note: All reporting requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3307; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 93, 9 F.R. 2076, 4321, 4319)

Issued this 27th day of July 1944. LEE MARSHALL, Director of Distribution.

[F. R. Doc. 44-11221; Filed, July 27, 1944; 3:27 p. m.]

[WFO 61, Supp. 1] .

PART 1400—DELEGATIONS OF AUTHORITY ORDER WITH RESPECT TO MEAT RATIONING

Pursuant to section 201 (e) of the Emergency Price Control Act (56 Stat. 23), as amended by the Stabilization Act of 1942 (56 Stat. 765) and the Stabilization Extension Act of 1944 (Public Law 393, 78th Congress), and War Food Orders 56 (8 F.R. 2005; 9 F.R. 4319), and 61 (8 F.R. 3471; 9 F.R. 4319), and in order to effectuate the rationing of meat to civilians, the following directive is hereby issued:

§ 1400.12 Civilian meat rationing. (a) The Office of Price Administration is directed to remove all restrictions concerning the transfer from one person to another of all beef, except good and choice (A and AA) qualities of steaks and roasts, and is authorized to impose restrictions on the transfer from one person to another of pork hams and loins. This direction shall not otherwise affect the rationing of meat, meat products, or other foods. The removal of restrictions may be accomplished by reduction of point values to zero or by other means.

(b) This order shall be effective not later than 12:01 a.m., e. w. t., August 1, 1944.

CROSS REFERENCE: See Amendment 1, infra. (56 Stat. 23; 56 Stat. 765; P.L. 383, 78th Cong.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 17th day of July 1944:

Marvin Jones,

War Food Administrator.

[F. R. Doc. 44-10584; Filed, July 17, 1944; 11:30 a. m.]

[WFO 61, Amdt. 1 to Supp. 1]

PART 1400—DELEGATION OF AUTHORITY ORDER WITH RESPECT TO MEAT RATIONING

War Food Order 61, Supplement 1, issued July 17, 1944 (supra), § 1400.12 (b), is amended by deleting the words "August 1, 1944," appearing therein and inserting, in lieu thereof, the following words, "August 13, 1944."

(56 Stat. 23; 58 Stat. 765; P.L. 383, 78th Cong.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 28th day of July 1944.

MARVIN JONES, War Food Administrator.

[F. R. Doc. 44-11268; Filed, July 28, 1944; 11:52 a. m.]

[WFO 109]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

SOLUBLE COFFEE AND SOLUBLE COFFEE PRODUCTS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of soluble coffee and soluble coffee products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1409.7 Restrictions relative to soluble coffee and soluble coffee products—
(a) Definitions. (1) "Soluble coffee" means the dried, powdered, water soluble solids derived from the brew of roasted and ground coffee.

(2) "Soluble coffee products" means soluble coffee to which there has been added any carbohydrates or other ingredient.

(3) "Person" means any individual, partnership; association, business trust, corporation, or any organized group of persons whether incorporated or not.

(4) "Government agency" means (i) the Armed Services of the United States (excluding for the purpose of this order United States Army Post Exchanges, United States Navy ships' service departments, and United States Marine Corps post exchanges); (ii) the War Food Administration (including, but not being restricted to, any corporate agency thereof); (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a war food order, is entitled to purchase soluble coffee or soluble coffee products subject to this order.

(5) "Armed Services of the United States" means the Army, the Navy, the Marine Corps, and the Coast Guard of the United States.

(6) "Director" means the Director of Distribution, War Food Administration.

(b) Restrictions. (1) All soluble coffee and soluble coffee products owned on August 1, 1944, by a manufacturer thereof shall be set aside immediately on such date by such manufacturer and thereafter held for sale and delivery to a governmental agency. All soluble coffee and soluble coffee products manufactured on or after August 1, 1944, shall be set aside immediately by the respective manufacturer thereof and thereafter held for sale and delivery to a governmental agency.

(2) The provisions of this order shall be observed without regard to contracts heretofore or hereafter entered into or any rights accrued or any payments made thereunder. This order shall not, however, be construed as reducing the amount of soluble coffee or soluble coffee products which any person is required to offer or deliver pursuant to a contract heretofore or hereafter entered into with a governmental agency.

(c) Audits and inspections. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of soluble coffee and soluble coffee products of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the

provisions of this order.

(d) Records and reports. (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in soluble coffee and

soluble coffee products.

(e) Petition for relief from hardship. Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 109, Special Commodities Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dis-satisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (e) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(f) Violations. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using the material subject to priority or allocation control pursuant to this order. In addition, any person who wilfully violates any provision of this order is guilty of a

crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) Delegation of authority. The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref. WFO 109.

(i) Effective date. This order shall become effective at 12:01 a. m., e. w. t., August 1, 1944.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 28th day of July 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-11269; Filed, July 28, 1944; 11:53 a.m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board [Regs., Serial No. 316]

PART 202—ACCOUNTS, RECORDS AND REPORTS

SUBMISSION OF AUDIT REPORTS PREPARED BY PUBLIC ACCOUNTANTS .

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 1st day of July, 1944.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 407 (a) and 1104 thereof, and deeming its action necessary to carry out the provisions of said act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective July 22, 1944, Part 202 of the Economic Regulations is hereby amended

by adding thereto a new § 202.5, to read as follows:

. § 202.5 Submission of audit reports prepared by public accountants. (a) -Whenever any air carrier shall have caused an annual audit of its books, records and accounts to be made by public accountants, such air carrier shall file with the Board a special report consisting of a true and complete copy of the audit report submitted by public accountants, including all schedules, exhibits and certifications included in or attached to such report. Such a report shall be filed in duplicate with the Board within fifteen days after the public accountants have submitted their report to the air carriers, except that no such special report is required to be filed until thirty days after the effective date of this regulation. This section shall apply to all annual audit reports which may have been submitted to any air carrier on or after January 1, 1944.

(b) The special report required to be filed by paragraph (a) hereof shall be withheld from public disclosure, until further order of the Board, if such treatment is requested by the air carrier at the time of filing.

(205 (a), 52 Stat. 984, 49 U.S.C. Ch. 9, sec. 424; 407 (a), 52 Stat. 1000, 49 U.S.C., Ch. 9, sec. 437; 1104, 52 Stat. 1026, 49 U.S.C., Ch. 9, sec. 674)

By the Civil Aeronautics Board. [SEAL] FRED A. TOOMES, Secretary.

[F. R. Doc. 44-11233; Filed, July 28, 1944; 10:30 a. m.]

TITLE 16-COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5144]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RICH & COMPANY

§ 3.66 (a. 7) Misbranding or mislabeling-Composition-Wool Products Labeling Act: § 3.71 (a) Neglecting, unfairly or deceptively, to make material disclosure-Composition-Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce, misbranding ladies' suits or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said Act, by failing securely to

affix to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool products of any nonfibrous loading, filling, or adulterating matter; and (c) the name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder. (Sec. 5. 33 Stat. 719, as amended by sec. 3, 52 -Stat. 112; 15 U.S.C., sec. 45b; 54 Stat. 1128; 15 U.S.C., sec. 63) [Cease and desist order, Rich & Company, Docket 5144, June 27, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of June, A. D. 1944.

In the Matter of Ernest O. Rich and Michael Simeone, Individually and as Conartners, Trading and Doing Business as Rich & Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act and the provisions of the Wool Products Labeling Act of 1939:

It is ordered, That respondents, Ernest O. Rich and Michael Simeone, individually and as copartners, trading and

doing business as Rich & Company, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation, or distribution in commerce as "commerce" is defined in the aforesaid acts, do forthwith cease and desist from misbranding ladies' suits or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, by failing securely to affix to or place on such products a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter.

(c) The name of the manufacturer of such wool product; or the manufacturer's registered identification number and the name of a seller of such wool product; or the name of one or more persons introducing such wool product into commerce, or engaged in the sale, transportation, or distribution thereof in commerce as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraph (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; And provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have compiled with this order.

By the Commission.

[SEAL]

A. N. Ross, Acting Secretary.

[F. R. Doc. 44-11241; Filed, July 28, 1944; 11:03 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs [T. D. 51096]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES COVERING SCREENINGS OR SCALP-INGS OF GRAINS OR SEEDS

Note: In F. R. Doc. 44–10864, which appears on page 8288 of the issue for Saturday, July 22, 1944, all references to § 8.13 (j) should read § 8.13 (i).

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue Subchapter A—Income and Excess-Profits Taxes

GAIN OR LOSS UPON CUTTING OF TIMBER AND DISPOSAL OF TIMBER

Regulations 111, 103, 101, 94, 86, 77, 74, 69, 65, 62, 45, 33, and 33 (revised) amended to conform to sections 101 and 127 of the Revenue Act of 1943 relating to gain or loss upon the cutting of timber and upon certain disposal of timber. ρ

In order to conform Regulations 111 [Part 29, Title 26, Code of Federal Regulations, Cum. Supp.], 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Supp.], 101 [Part 9, Title 26, Code of Federal Regulations, 1939 Supp.], 94 [Part 3, Title 26, Code of Federal Regulations], and Regulations 86, 77, 74, 69, 65, 62, 45, 33, and 33 (revised) to sections 101 and 127 of the Revenue Act of 1943 (Public Law 235, 78th Congress), enacted February 25, 1944, such regulations are amended as follows:

PART 29—INCOME TAX; TAXABLE YEARS BE-GINNING AFTER DECEMBER 31, 1941

Paragraph 1. Section 29.113 (a) (14)-1 is amended by inserting at the end of the second paragraph the following new sentence: "However, see sections 117 (k) (1) and 117 (k) (2) with respect to the determination of loss upon timber which under the provisions of those sections is considered to be sold or exchanged."

PAR. 2. There is inserted immediately preceding § 29.117-1 the following:

SEC. 127. GAIN OR LOSS UPON THE CUTTING OF TIMBER. (Revenue Act of 1943, Title I.),

- (a) In general. Section 117 (relating to capital gains and losses) is amended by inserting at the end thereof the following new subsection:
- (k) Gain or loss upon the cutting of timber. (1) If the taxpayer so elects upon his return for a taxable year, the cutting of timber (for sale or for use in the taxpayer's trade or business) during such year by the

taxpayer who owns, or has a contract right to cut, such timber (providing he has owned such timber or has held such contract right for a period of more than six months prior to the beginning of such year) shall be considered as a sale or exchange of such timber cut during such year. In case such election has been made, gain or loss to the taxpayer shall be recognized in an amount equal to the difference between the adjusted basis for depletion of such timber in the hands of the taxpayer and the fair market value of such timber. Such fair market value shall be the fair market value as of the first day of the taxable year in which such timber is cut, and shall thereafter be considered as the cost of such cut timber to the taxpayer for all purposes for which such cost is a necessary factor. If a taxpayer makes an election under this paragraph such election shall apply with respect to all timber which is owned by the taxpayer or which the taxpayer has a contract right to cut and shall be binding upon the taxpayer for the taxable year for which the election is made and for all subsequent years, unless the Commissioner, on showing of undue hardship, permits the tax-payer to revoke his election; such revocation, however, shall preclude any further elections under this paragraph except with the consent of the Commissioner.

(2) In the case of the disposal of timber (held for more than six months prior to such disposal) by the owner thereof under any form or type of contract by virtue of which the owner retains an economic interest in such timber, the difference between the amount received for such timber and the adjusted depletion basis thereof shall be considered as though it were a gain or loss, as the case may be, upon the sale of such timber.

(b) Technical amendment. Section 117 (j) (1) (relating to gains and losses from involuntary conversion and from the sale or exchange of certain property used in the trade or business) is amended by inserting at the end thereof the following: "Such term also includes timber with respect to which subsection (k) (1) or (2) is applicable".

(c) Effective date. A provision having the effect of section 117 (k) (2) of the Internal Revenue Code inserted by the amendment made by subsection (a) shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after February 28, 1913. The amendment made by subsection (b) shall be effective as if it were made by section 151 of the Révenue Act of 1942.

SEC. 101. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1943, Title I.) Except as otherwise expressly provided, the amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1943.

Par. 3. Section 29.117-7 is amended as follows:

(A) By changing the first paragraph after the heading to read as follows:

Section 117 (j) provides that the recognized gains and losses:

(a) From the sale, exchange, or involuntary conversion of property used in the trade or business of the taxpayer at the time of the sale, exchange, or involuntary conversion, held for more than six months, which is:

(1) Of a character subject to the allowance for depreciation provided in section 23 (1), or

(2) Real property,

Provided, That such property is not of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year, or is not held by the taxpayer primarily for sale to customers in the ordinary course of trade or business, and

(b) From the involuntary conversion of capital assets held for more than six months, and

(c) From timber held for more than six months which is considered to have been sold under the provisions of section 117 (k) (2), and with respect to 'taxable years beginning after December 31, 1943, from timber owned or held under a contract right to cut for more than six months prior to the beginning of the taxable year which is considered to have been sold or exchanged under the provisions of section 117 (k) (1), regardless of whether such timber would be properly includible in the inventory of the taxpayer if on hand at the close of the taxable year or whether such timber was held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business,

shall be treated as gains and losses from the sale or exchange of capital assets held for more than six months if the aggregate of such gains exceeds the aggregate of such losses. If the aggregate of such gains does not exceed the aggregate of such losses, such gains and losses shall not be treated as gains and losses from the sale or exchange of capital assets.

(B) By changing the first sentence of the fourth paragraph to read as follows:

Section 117 (j) does not apply to gains and losses on the sale, exchange, or involuntary conversion of any property which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxpayer primarily for sale to customers in the ordinary course of his trade or business, but not including as such property timber which is considered to have been sold or exchanged as provided in section 117 (k) (1) or which has been sold as provided in section 117 (k) (2).

PAR. 4. There is inserted immediately following § 29.117-7 the following new section:

§ 29.117-8 Gain or loss upon the cutting and disposal of timber—(a) Gain or loss upon the cutting of timber—(1) Election to consider cutting as a sale or exchange. With respect to a taxable year beginning after December 31, 1943, a taxpayer who has owned, or has held a contract right to cut timber for a period of more than six months prior to the beginning of such taxable year may elect under section 117 (k) (1) to consider the cutting of such timber during such year for sale or for use in the taxpayer's trade or business as a sale or exchange of the timber so cut. Such election must be made by the taxpayer in its income tax return for the taxable year, and cannot be made thereafter. The election shall take the form of a computation in the return under the provisions of section 117 (k) (1) and section

The election provided by section 117 (k) (1) need not be made with respect to the first taxable year of the taxpayer beginning after December 31, 1943, to which the provisions of such section are applicable. Such election may be made for any taxable year beginning after December 31, 1943, to which the provisions of section 117 (k) (1) are applicable.

The election made under the provisions of section 117 (k) (1) shall be applicable with respect to all timber which was owned by the taxpayer or which the taxpayer had a contract right to cut, and the cutting of timber, whether or not actually sold or exchanged, shall be considered to be a sale or exchange, except that timber which is not cut for sale or for use in the taxpayer's trade or business and timber which was held for a period of not more than six months prior to the beginning of the taxable year shall not be considered to have been sold or exchanged upon the cutting thereof. If an election has been made under the provisions of section 117 (k) (1), such election shall be binding upon the taxpayer not only for the taxable year for which the election is made but also for all subsequent taxable years, unless the Commissioner on showing by the taxpayer of undue hardship permits the taxpayer to revoke his election for such subsequent taxable years. Such election shall apply with respect to all timber which the taxpayer has owned, or has had a contract right to cut, for a period of more than six months prior to the beginning of a subsequent taxable year and which was cut for sale or for use in the taxpayer's trade or business, whether such timber or contract right was acquired prior or subsequent to the election. If the taxpayer has revoked his election, such revocation shall preclude any further elections by the taxpayer under section 117 (k) (1), except with the consent of the Commissioner.

(2) Computation of gain or loss. If the cutting of timber is considered as a sale or exchange pursuant to an election made under the provisions of section 117 (k) 1, gain or loss shall be recognized to the taxpayer in an amount equal to the difference between the adjusted basis for depletion in the hands of the taxpayer of the timber which has been cut during the taxable year and the fair market value of such timber as of the first day of the taxable year in which such timber is cut. The adjusted basis for depletion of such cut timber shall be based upon the number of units of timber cut during the taxable year which are considered to be sold or exchanged and upon the depletion unit of the timber in the timber account or accounts pertaining to the timber cut, and shall be computed in the same manner as is provided in § 29.23 (m)-21 with respect to the computation of the allowance for depletion.

The fair market value of the timber as of the first day of the taxable year in which such timber is cut shall be determined, subject to approval or revision by the Commissioner upon examination of the taxpayer's return, by the taxpayer electing to apply the provisions of section 117 (k) (1) in the light of the most reliable and accurate information available with reference to the condition of the property as it existed at that date, regardless of all subsequent changes, such as changes in surrounding circumstances, in methods of exploitation, in degree of utilization, etc. The value sought will be the selling price, assuming a transfer between a willing seller and a willing buyer as of that particular day. Due consideration will be given to the factors and the principles involved in the determination of the fair market value of timber as described in § 29.23 (m)-25.

The fair market value as of the beginning of the taxable year of the timber cut during such year shall be considered to be the cost of the timber which was cut, in lieu of the actual cost or other basis of such timber, for all purposes for which such cost is a necessary factor. Thus if the products of the timber cut during a taxable year were sold during such year, the fair market value as

of the beginning of such taxable year of the timber cut during the year shall be used in computing the depletion unit and the allowance for depletion as provided in § 29.23 (m)-21. This is also the rule in case the products of the timber cut during one taxable year with respect to which an election has been made under section 117 (k) (1) are sold during a subsequent taxable year, whether or not the election provided in section 117 (k) (1) is applicable with respect to such subsequent year. If the products of the timber cut during a taxable year with respect to which an election under section 117 (k) (1) was made were not sold during such year and are included in inventory at the close of such year, the fair market value as of the beginning of the year of the timber cut during the year shall be used in lieu of the actual cost of such timber in computing the closing inventory for such year and the opening inventory for the succeeding year. With respect to the costs applicable in the determination of the amount of such inventories there shall be included the fair market value of the timber cut, the costs of cutting, logging, and all other expenses incident to the cost of converting the standing timber into the products in inventory. See § 29.22 (c)-3. The fact that the fair market value as of the first day of the taxable year in which the timber is cut is deemed to be the cost of such timber shall not preclude the taxpayer from computing its inventories upon the basis of cost or market, whichever is lower, if such is the method used by the taxpayer. Nor shall it preclude the taxpayer from computing its inventories under the elective method provided by section 22 (d) if such section is applicable to, and has been elected by, the taxpayer.

For any taxable year beginning after December 31, 1943, for which the cutting of timber is considered to be a sale or exchange of such timber under section 117 (k) (1), the timber so cut shall be considered as property used in the trade or business for the purposes of section 117 (j) along with other property of the taxpayer used in the trade or business as defined in section 117 (j) (1). Whether the gain or loss considered to have resulted from the cutting of the timber will be considered to be gain or loss resulting from the sale or exchange of capital assets held for more than six months depends upon the application of section 117 (j) to the taxpayer for the taxable year. See § 29.117-7.

In case the products of the timber are sold after cutting, either in the form of

logs or lumber or in the form of a manufactured product, the income from such actual sale shall be considered ordinary income. In determining the cost of the products so sold, the cost of the timber shall be computed pursuant to the provisions of section 117 (k) (1).

(b) Gain or loss upon the disposal of timber under cutting contract. taxpayer disposes of timber under any form or type of contract whereby he retains an economic interest in such timber, the disposal under the contract shall be considered to be a sale of such timber. The difference between the amounts received for the timber in any taxable year and the adjusted basis for depletion of the timber with respect to which the amounts were so received shall be considered to be a gain or loss upon the sale of such timber for such year. If the taxpayer owned the timber for a period of more than six months prior to the date of such contract, for the purposes of section 117 (j) such timber shall be considered to be property used in the trade or business for the taxable year for which it is considered to have been sold, along with other property of the taxpayer used in the trade or business as defined in section 117 (j) (1). Whether gain or loss resulting from the disposition of the timber which is considered to have been sold will be deemed to be gain or loss resulting from the sale of a capital asset held for more than six months will depend upon the application of section 117 (j) in the case of the taxpayer.

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PAR. 5. Section 19.113 (a) (14)-1 is amended by inserting at the end of the second paragraph the following new sentence: "However, see section 117 (k) (2) with respect to the determination of loss upon timber which under the provisions of that section is considered to be sold."

Par. 6. There is inserted immediately preceding § 19.117-1 the following:

SEC. 127. Gain or loss upon the cutting of timber. (Revenue Act of 1943, Title I.)

(a) In general. Section 117 (relating to capital gains and losses) is amended by inserting at the end thereof the following new subsection:

(k) Gain or Loss Upon the Cutting of Timber. * * *

(2) In the case of the disposal of timber (held for more than six months prior to such disposal) by the owner thereof under any form or type of contract by virtue of which the owner retains an economic interest in such timber, the difference between the amount received for such timber and

the adjusted depletion basis thereof shall be considered as though it were a gain or loss, as the case may be, upon the sale of such timber.

(c) Effective date. A provision having the effect of section 117 (k) (2) of the Internal Revenue Code inserted by the amendment made by subsection (a) shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after February 28, 1913.

PAR. 7. There is inserted immediately following § 19.1177, as added by Treasury Decision 5217, approved January 19, 1943, the following new section.

§ 19.117-8 Gain or loss upon the disposal of timber under cutting contract. If a taxpayer disposes of timber under any form or type of contract whereby he retains an economic interest in such timber, the disposal under the contract shall be considered to be a sale of such timber. The difference between the amounts received for the timber in any taxable year and the adjustable basis. for depletion of the timber with respect to which the amounts were so received shall be considered to be a gain or loss upon the sale of such timber for such year. The holding period of such timber shall be measured by reference to the date of the contract of disposition.

PART 3—INCOME TAX UNDER REVENUE ACT OF 1936

PART 9—INCOME TAX UNDER REVENUE ACT OF 1938

Par. 8. Regulations 101 and prior income tax regulations applicable to taxable years beginning after February 28, 1913 are amended by incorporating therein a provision having the effect of section 117 (k) (2) and provisions having the effect of § 19.117–8 of Regulations 103 and the amendment to § 19.113 (a) (14)–1 of Regulations 103 made by this Treasury decision to the extent necessary to accord with that portion of section 127 of the Revenue Act of 1943 relating to section 117 (k) (2) of the Internal Revenue Code.

(53 Stat. 32; 26 U. S. C. 62) and corresponding provisions of prior internal revenue laws, and secs. 101 and 127, Rev. Act of 1943 (Pub. Law 235, 78th Cong.) enacted Feb. 25, 1944.)

Harold N. Graves, Acting Commissioner of Internal Revenue.

Approved: July 27, 1944.

Herbert E. Gaston,

Acting Secretary of the Treasury.

[F. R. Doc. 44-11234; Filed, July 28, 1944; 10:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B-Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Revocation of Inventory Direction 11]

AIRCRAFT ALUMINUM EXTRUSIONS

Section 3175.111 Inventory Direction 11 to CMP Regulation 2 is hereby revoked effective November 30, 1944. After that date Inventory Direction 11 shall be of no force or effect.

Advance notice of this revocation is hereby given so that users of aircraft aluminum extrusions may, if necessary, have ample time to reschedule in an orderly manner their outstanding purchase orders of these items.

All users of aircraft aluminum extrusions will be subject to the 60 day inventory limitation stated in paragraph (b) (1) of CMP Regulation 2 and all other inventory restrictions provided in that regulation on and after December 1, 1944.

Issued this 28th day of July 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,

Recording Secretary.

[F. R. Doc. 44-11244; Filed, July 28, 1944; 11:31 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Revocation of Inventory Direction 14]

ALUMINUM FORGINGS, PRESSINGS, UPSETTINGS
AND IMPACT EXTRUSIONS

Section 3175.114 Inventory Direction 14 to CMP Regulation 2 is hereby revoked effective December 31, 1944. After that date Inventory Direction 14 shall be of no force or effect.

Advance notice of this revocation is hereby given so that users of aluminum forgings, pressings, upsettings and impact extrusions may, if necessary, have ample time to reschedule in an orderly manner their outstanding purchase orders for those items.

All users of aluminum forgings, pressings, upsettings and impact extrusions will be subject to the 60 day inventory limitation stated in paragraph (b) (1) of CMP Regulation 2 and all other inven-

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tory restrictions provided in that regulation on and after January 1, 1945. Issued this 28th day of July 1944.

> War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-11245; Filed, July 23, 1944; 11:31 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Inventory Direction 18]

AIRCRAFT ALUMINUM RIVETS

§ 3175.118 Inventory Direction 18. Pursuant to paragraph (b) (2) of CMP Regulation 2, It is hereby ordered, That:

During the period between July 1, 1944 and December 31, 1944, users of controlled materials may accept deliveries of aircraft aluminum rivets, for use in the production of aircraft and components thereof, in excess of the limitations stated in paragraph (b) (1) of CMP Regulation 2. However, during that period of time such persons are required to schedule their receipts of aircraft aluminum rivets in such manner that by December 31, 1944 their inventories will be within all of the inventory limitations stated in CMP Regulation 2.

The purpose of this direction is to provide a period of time for users to accomplish an orderly reduction of their inventories of aircraft aluminum rivets to practicable minimum working levels.

Issued this 28th day of July 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAM,

Recording Secretary.

[F. R. Doc. 44-11246; Filed, July 28, 1944; 11:32 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 2, Inventory Direction 19]

ALUMINUM AND ALUMINUM ALLOY EXTRUDED SHAPES

§ 3175.119 Inventory Direction 19 under CMP Regulation 2. Pursuant to paragraph (b) (2) of CMP Regulation 2, It is hereby ordered, That:

Users of aluminum and aluminum alloy extruded shapes who place orders for these items under the provisions of Direction 33 to CMP Regulation 1, may accept deliveries of the smallest of the following amounts of the particular extruded chapes notwithstanding the inventory restrictions stated in CMP Regulation 2:

- A six months' supply of the particular extruded shape;
- (2) A quantity of the particular extruded shape sufficient to complete a contract; or
- (3) The following quantities of the particular extruded shape:

Wt. of individual extruded Minimum
ahapa per linear fcot: rounds
Up to ½ lb. inclusive per fcot. 200
Over ½ lb. to 1 lb. inclusive per fcot. 350
Over 2 lb. to 4 lbs. inclusive per fcot. 500
Over 4 lbs. to 8 lbs. inclusive per fcot. 750
Over 8 lbs. per fcot. 1000

The purpose of this inventory direction is to permit the acceptance of delivery of the minimum quantities which consumers are permitted to order from producers under Direction 33 to CMP Regulation 1.

Issued this 28th day of July 1944.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 44-11247; Filed, July 23, 1944; 11:32 a.m.]

PART 3208-SCHEDULED PRODUCTS

[General Scheduling Order M-293, Direction 1 to Table 4]

PURCHASERS OF INTERNAL COMEUSTION EN-GINES OR COMPONENTS TO FURNISH MANU-FACTUREES INFORMATION REGARDING USE OF ENGINES AND COMPONENTS

The following direction is issued pursuant to Table 4 of General Scheduling Order M-293:

The demand for internal combustion engines and engine components, the shipments of which are ceneduled under War Production Board General Scheduling Order M-293, Table 4, is so large that it is necessary for the War Production Board to determine the relative urgency of shipments to be made by each manufacturer of these products. In many instances the manufacturer does not have the necessary information in sufficient detail to inform the War Production Board as to the end use of the engines or components, as this information is known only to the purchaser and sometimes only to the customer of that purchaser. Unless purchase orders already placed and also future orders are properly identified, the War Production Board may be compelled to postpone delivery by the manufacturer or remove the orders entirely from the manufacturer's shipping cenedule.

Consequently, in order that each manufacturer of internal combustion engines or their components may be in a position to furnish the War Production Board with the required information, all purchasers of any product listed on Order II-233, Table 4, are directed to furnish immediately to the manufacturer of the product the following information in respect to the items he has ordered:

1. The specific use the purchaser will make of the engine or component: for example—tractor, generator, pump, truck, combine, truck replacement, etc.

2. The program or project for which the engine or component is required: for example—farm machinery, advanced Naval base, heavy truck, truck replacement, etc.

3. Government contract number (if any) identifying the prime contract placed by the claimant egency for such program or project; for example, W-04-353-Eng-339 (this indicates Army Engineer Corps—Contract No. 339). NOR-1161 (this indicates Navy-Bureau of Ships—Contract No. 1161).

4. The claimant agency sponsoring the program or project; for example:— the Army, Navy, War Food Administration, Office of

Defense Transportation, etc.

The foregoing information must also be furnished by purchasers in respect to all future orders for any product listed on Order M-293, Table 4, at the time the orders are given the manufacturer. In giving the information, purchasers should furnish a separate statement for purchase orders involving different programs or covered by more than one government contract number.

If the purchaser of the product does not have any part of the foregoing information, he may get it from his customer and the customer likewise, if he does not have the information, may get it from his customer.

This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of July 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-11248; Filed, July 28, 1944; 11:32 a. m.]

PART 3270—CONTAINERS

. [Limitation Order L-197, as Amended July 28, 1944]

STEEL SHIPPING DRUMS

§ 3270.15 Limitation Order L-197—
(a) Definitions. For the purpose of this order:

- (1) "Drum" means any single-walled cylindrical or bilged container with a capacity of 132 gallons or less (including but not limited to buckets, kits and pails) constructed wholly of steel. It does not include cans as defined in Order M-81, high or low pressure gas steel cylinders, storage tanks, or any container not usable commercially for transporting commodities.
- (2) "Used drum" means any drum which has been used for shipping, storage or intra-plant transfer of products. The affixing of ends or other parts to used drums shall not cause them to be regarded as new drums.
- (3) "New drum" means any drum which is not a used drum and includes rejects or seconds.
- (4) "Reject or second" means any newly manufactured drum which cannot be used for the purpose for which it was intended due to some defect in it.
- (5) "Industrial order" means any purchase order for or contract to buy a commodity except one placed by, or to be shipped directly to the Army, Navy, Aircraft Resources Control Office, Maritime Commission or War Shipping Administration, or one placed by any United States Government Agency when operating under Lend-Lease.
- (6) "Class of Commodity" means any one of the numbered items listed in Schedule A.

Restriction on New Drums

(b) Restriction against manufacture, sale or delivery. No person shall manu-

facture, sell or deliver any new drums which he has reason to believe will be accepted or used in violation of the terms of this order.

(c) Restriction against acceptance or use. No person shall accept delivery of or use a new drum for packing any commodity listed in Schedule B to fill an industrial order. This restriction shall not apply to a person who has received a license from the Foreign Economic Administration for the export of the commodity to be packed in drums to the extent of the license granted. Where a specific commodity is listed in Schedule B, the provisions of this paragraph apply even though the general class under which the commodity may be included has a quota under Schedule A.

(d) Quota restrictions. (1) No person shall, during any calendar quarter, unless specifically authorized by the War Production Board in accordance with paragraph (d) (2):

(i) Use a greater tonnage of new drums for the packing of any class of commodities listed in Schedule A for industrial orders than 95% of the tonnage of new drums he used for that class of commodities for industrial orders in the corresponding quarter of 1943;

(ii) Use more new drums for purposes other than packing commodities (such as drums to be used entirely within the plant or installed as integral parts of other equipment) than he used for the same purpose in the corresponding quarter of 1943.

(2) Application for authorization to establish a quota or exceed the quota established in paragraph (d) (1) shall be made by filing Form WPB 3770 in quadruplicate. Such applications will be considered only on the basis of essential need for, and the supply of new drums, and the availability of used or substitute containers.

(3) As an alternative to basing his packing quota for any quarter upon the usage of new drums in the corresponding quarter of 1943 as provided in paragraph (d) (1), a person may determine his packing quota for any class of commodities for any quarter by taking 23¾% of his total usage of new drums for packing that class of commodities for industrial orders during 1943. A person may not change his method of computing his packing quotas in the course of any calendar year.

(4) Where a commodity is listed in Schedule A with a quota based on previous packing in fibre drums during 1943, any person who packed the commodity in fibre drums during 1943 may in any calendar year pack in new steel drums the designated percentage of the quantity of that commodity that he packed in fibre drums in 1943 in addition to his packing quota for that commodity provided for in paragraph (d) (1).

(5) No person shall use any part of a quota given to him to pack one class of

commodities to pack another class of commodities.

(6) Any person who has any part of his packing quota for a class of commodities left over from one calendar quarter may use it to pack that class of commodities in the next calendar quarter. He may also borrow up to 25% of the next quarter's quota for that purpose.

(7) The quota restrictions in this order shall apply to all new drums used for packing commodities for industrial orders beginning with May 15, 1944. For the period from May 15, 1944 to July 1, 1944, a person's quota based on usage of steel drums under paragraph (d) (1) shall be one-half of what his quota would have been for the second quarter of 1944 under the terms of this order. For the period from May 15, 1944 to December 31, 1944, a person's quota based on usage of fibre drums under paragraph (d) (4) shall be five-eighths of what it would have been for the calendar year of 1944 under the terms of this order. All authorizations issued prior to May 27, 1944, shall be null and void after May 27, 1944, when the quota restrictions go into effect.

(8) Whenever a quota is given to a person based on use of new drums for packing a product, the quota shall belong to the person who owned the drums (steel or fibre) whether he packed them himself or had someone pack them for him. A person who packed drums in the base period owned by someone else does not have a quota based on packing those drums as that quota belongs to the person who owned the drums and for whose account the packing was done. An exception to this rule as to quota is made in the case of foreign petroleum operators operating under authorization from The Petroleum Administration for War on Form WPB 743. The quota in such cases shall belong to the person who obtained the authorization for the drums for export under that form, and the person who packs for him, whether he buys the drums or not, shall not be entitled to a quota based upon such packing.

A person who has a quota under the provisions of this paragraph may either pack the commodity himself or have someone else pack it for him. When someone else packs it for him, it shall be chargeable to his quota and not to the quota of the person who packs it for him, a person who packs a commodity for an other, to be charged against the latter's quota, must receive a statement from such person that the packing of that commodity is within his quota under the order.

(e) Inventory restrictions. No person shall, at any time, accept delivery of any new drum which will increase his total

inventory of that type or size of new drum to more than his requirements for the following sixty-day period or will increase his total inventory of all types and sizes of new drums to more than one and one-half carloads, whichever is the greater. This restriction does not apply to the Army, Navy, Aircraft Resources Control Office, Maritime Commission or War Shipping Administration.

Restrictions on Used Drums

(f) Prohibition on use. No person shall pack in used drums for industrial orders a commodity which is listed in Schedule B without an asterisk. This restriction shall not apply to a person who has received a license from the Foreign Economic Administration for the export of the commodity to be packed in used drums to the extent of the license granted. Any other commodity not appearing on Schedule B or listed there with an asterisk may be packed in used drums without limitation.

(g) Prohibition on sale or delivery. No person shall sell or deliver any used drum which he knows or has reason to believe will be accepted or used in violation of the terms of this order.

(h) Restrictions. (1) No person shall sell or deliver any empty drum which was packed with an edible product the last time it was used, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing inedible products.

(2) No person shall sell or deliver any empty drums which were packed with a naval store product the last time it was used, and which is capable of being reused for the same purpose, if he knows or has reason to believe that it will be used for packing anything other than naval store products. Naval store products as used in this paragraph means those materials which are directly derived from the oleo-resinous secretions of various species of coniferous trees; the term includes resins and liquid terpines, both crude and refined, special materials derived from these and such related products as tall oil and pine

(i) Exceptions. Nothing in this order shall apply to the use of used drums (1) for storage purposes by any person having less than five drums in use for all purposes or (2) constructed wholly of lighter than 23 gauge steel.

(j) Exception for packing molasses. Notwithstanding the fact that molasses appears without an asterisk on Schedule B, packers of molasses may pack it in used steel drums owned by a farmer and packed on his order for his use for ensilage. The packer may rely upon a signed statement by the purchaser that he is a farmer, that he owns the steel drum which is to be filled and that the molasses is for his own use for ensilage.

If he has knowledge of these facts, he may waive the signed statement.

Preference Ratings

(k) Use of preference ratings. No preference rating shall be applied to obtain delivery of new drums except a rating which has been specifically assigned for drums by the Army, Navy, Aircraft Resources Control Office, Maritime Commission, War Shipping Administration or to other persons pursuant to the authorization by the Maritime Commission under Form WPB 646 (formerly PD-300) for direct or ultimate delivery to them of drums either filled or empty.

(i) Cancellation of ratings previously assigned. Any order for new drums for which a rating of AA-3 or lower has been assigned before May 27, 1944 shall be considered an unrated order whether it was placed before or after May 27, 1944.

(m) Certificate. No person shall sell or deliver any new drums unless he receives a purchaser's certificate, signed manually or as provided in Priorities Regulation No. 7. This certificate shall be in substantially the form attached hereto as Exhibit A. Attention is called to the fact that this certificate, once filed by a purchaser with a supplier, covers all future deliveries from that supplier to that purchaser.

Miscellaneous Provisions

(n) Reports. Any person affected by this order shall file such reports and questionnaires as the War Production Board may request from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(o) Appeals. Any appeal from the provisions of this order shall be filed on Form WPB 3770 in quadruplicate.

(p) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliverles of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(q) Communications. All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Containers Division, Washington 25, D. C., Ref: L-197.

(r) Approval by Bureau of the Budget. The use of Form WPB 3770 has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 28th day of July 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary. EXHILIT A-PURCHASER'S CHATIFICATE

The following cartificate is to be delivered to each person from whom purchases of new drums are made. Such certificate shall cover all purchases, present and future.

The undersigned purchaser certifies, subject to criminal penalties for misrepresentation, that he is familiar with Order L-197 of the War Production Board, and that all purchases from you of steel drums, and the use of the same by the undersigned, will be in compliance with the order, as amended from time to time.

(Legal name of purchaser)

B7

(Authorized official)

(Title of official)

(Address of purchaser)

SCHEDULE A

As provided in paragraph (d) a person may use new steel drums for each class of commodities listed below only to the extent of his packing quota for that class of commodities. Drum usage for one class of commodities may not be included in computing a percon's packing quota for another class of commodities. Where no quota appears in Column 2 a percen's quota for packing any class of commodities for industrial orders is 95% of his industrial usage of new steel drums in 1943. Quotas appearing in Column (2) are based on the quantity of the commodities which a person packed in the type of containers designated in the base year shown, and is in addition to the packing quota specified in paragraph (d) (1).

Commedity chestand number

CHEMICAL FRODUCTS

1. Acido—dry
2. Additives, olland gazolin—
3. Alcohol & Solvents, including but not limited to: Specially denatured alcohol (except lean 2 in Schedule B) and chlorinated colvents.
4. Aluminum chlorid, anhydrous.
5. Anti-freeze
9. Caulking compounds and scalers, including but not limited to: glesing material, putty and filler.
10. Carette cela, including cauctic potach.
11. Cenema, and edherives
12. Ceal tercelvents.
13. Dicinfectants and germiddes.
14. Dyennife, vat.
15. Exploited.
17. Fire extinguicher liquid and pour start of the compounds of the compounds of the compounds of the compounds.
18. Insectic ica and impedies.
19. Intermediate, expanic compounds compounds compounds.
20. Leather cavilines and processing compounds.
21. Medicinals, human.
22. Medicinals, human.
23. Navel etero, including but not limited to dipentere, pin or, turpentine, except recen.

1.	2.
Commodity class and number	Quota based on previous use of other types of containers
CHEMICAL PRODUCTS—continued	,
24. Paints, enamels and lacquers in clear, plamented, semi-paste, paste or liquid form, including lead oxides in oil, colors in oi' and oil stain, floor wax. 25. Peroxygen chemicals including the parts of the parts of the parts.	60% of quantity packed in fibre drums in 1943.
manganates, solid peroxides.	,
in M-150). 27. Pitch or tar, including mineral filled, cutbacks, emulsions and road oils. 28. Plastic molding compounds	75% of quantity packed in fibre drums in 1943.
road oils. 28. Plastic molding compounds 29. Plasticizers, other than rubber 30. Printing ink	
71. Attom	100% of quantity packed in fibre drums in 1943.
Rubber cements Rubber processing chemicals, including but not limited to plasticizers. Rust preventatives	
34. Rust preventatives	100% of quantity packed in fibre
36. Sodium and zinc hydrosulphate. 37. Sulphides, including but not i mited to Sodium, potassium and carbon bisulphid.	drums in 1943.
and carbon bisuiphid. 28. Textila auxiliaries and processing compounds. 39. Varnish and varnish stain	100% of quantity packed in fibre
40. Vitamins	drums in 1943,
FOODS	
101. Grea.es, animal and vegetable	,
PETROLEUM PRODUCTS (AS DEFINED IN M-201 OR PDO-19)	
201. Asphalt, including mineral filled, cut-backs, emulsions and road	75% of quantity packed in fibre
oils. 202. Fuel oil, kerosene, motor fuel, naphtha, solvents, insecticide	drums in 1943.
base. 203. Lubr cating greases	50% of quantity packed in fibre drums in 1943.
204. Lubricating oil	arums in 1943.
MISCELLANEOUS PRODUCTS	
201. Abrasives 202. Metallic powders and pastes 203. Refractories 204. Other miscellaneous products not in Schedule B.	
not in benedia D.	<u>.</u> .

SCHEDULE B

Item 58 deleted July 28, 1944.

As provided by paragraphs (c) and (f), commodities listed below without an asterisk may not be packed in any steel drum, and commodities listed below with an asterisk may not be packed in new drums or in rejects or seconds, but may be packed in used

- Acid, succinic
- 2. *Alcohol, specially denatured (except anhydrous grades and the following formulas: #13A, #19, #20, #32, and
- Aluminum sulphate
- Ammonia alum
- Ammonium bicarbonate

- Ammonium chloride Ammonium nitrate, dry
- 8. Ammonium phosphates
- Ω. Balsam copaiba Báth salts
- 10. 11. Bird seed
- Boiler compounds, dry
- 13. Borax
- Boric acid
- 15. Calcimine 16: 17. Calcium carbonate
- Calcium chloride
- 18. Calcium hydroxide Calcium oxide
- 20. Calcium phosphates
- Casein paints, dry Cement paint, dry 21. 22.
- 23. Charcoal
- 24. Citric acid
- Colors, inorganic dry
- *Compounds, solid and semi-solid with a melting point of 65 degrees F. or above, used in cooking, including but not limited to mixtures of lard and hydrogenated oils.
- Copper oxide
- Copper sulphate, basic
- Dairy products
- Fatty acids (having a melting point of higher than 42 degrees C.) Flour
- 32.
- Food products, cold pack and frozen
- *Formaldehyde
- ·Fruit juices 35. Fruits-brine
- 36. Fruits and peels, glace
- Furniture polish
 Furniture polish
 Fuse powder, black, sporting powder,
 "A" blasting powder, and all other
 potassium nitrate black powder.
- 39. Gelatin
- 40. Glue, dry (animal and vegetable) Hexamethylenetetramine
- 42. *Hydrogenated oils with a melting point of 65 degrees F. or above, including but not limited to shortening.
- 43. *Indigo paste
- Jellies, jams and preserves 45.
 - Kraut
- *Lanolin and wool grease 46. 47. *Lard
- 48. Lime
- Linseed oil meal
- 50. Lithopone
- Magnesium chloride 6H2O 51.
- Magnesium oxide 52. 53. Meats
- 54. Molasses
- Oil, crude petroleum
- Olives
- Paints, dry powder, including but not limited to those bound with glue, soya protein casein and cement
- [Deleted July 28, 1944.]
- Paradichlorobenzene
- 60. Paste, wall paper 61.
- Patching plaster 62. Pectin
- *Petrolatum (except USP grades) 63. 64. Pickles
- *Pine tar
- 66. Potash alum 67. Potassium bicarbonate
- 68. Potassium carbonate
- Sand
- Scouring cakes and powder
- Silicate of soda, dry, ortho silicate, meta silicate, sesqui or mixture thereof
 - Soap, dry Soda alum
- Soda ash
- Sódium aluminate
- Sodium bicarbonate
- Sodium bisulfate Sodium chloride
- 80. *Sodium lactate

- Sodium metaborate
- Sodium nitrate 82.
- 83. Sodium nitrite
- 84. Sodium perborate Sodium phosphates
- Sodium sesquicarbonate
- 87. Starches, dry
- Sweeping compounds 88.
- 89. Syrup, corn
- *Syrup, mixed and unmixed (except corn syrup) 90.
- 92. Vegetables—brine 🕟
- 93. Vinegar 94. Water
- 95. Wax, except floor wax and microcrystal-
- line wax 96. Zeolite

INTERPRETATION 1

STEEL SHIPPING DRUMS; APPEALS GRANTED BEFORE MAY 27, 1944 NOT CANCELLED

Authorization by the War Production Board was required for delivery and acceptance of delivery of new drums under Order L-197 prior to May 27, 1944, but is no longer required under the order as amended on that date. Paragraph (d) (7) declaring all authorizations null and void after May 27, 1944 does not invalidate appeals granted before that date. An appeal is a request for permission to use a new or used drum for packing a product listed without an asterisk in Schedule A of the old order or to use a new drum to pack a product listed with a single asterisk. [Issued June 19, 1944.]

[F. R. Doc. 44-11249; Filed, July 28, 1944; 11:31 a. m.]

PART 3285—LUMBER AND LUMBER PRODUCTS

[Order L-335, Direction 12]

SPECIAL AUTHORIZATION NEEDED TO GET LUM-BER FOR CERTAIN PRIVATELY FINANCED DWELLING PROJECTS

The following direction is issued pursuant to Order L-335:

(a) Whom this direction applies to. This direction applies to any Class II Consumer who has been authorized to construct a priwho has been authorized to construct a privately financed dwelling as a result of having filed Form WPB-2896 (formerly PD-105). It also applies to any person that will need to receive authority on Form WPB-2896, as revised July 7, 1944, to construct a privately financed dwelling. This direction does not apply to privately financed dwelling projects which involve only (1) remodeling, conversion, alteration, installation of new equipment only, or repair of existing structures. ment only, or repair of existing structures; and (2) the completion of new structures in a project which has been previously authorized but which does not require the delivery of more than 1,000 board feet of lumber after September 1, 1944.

(b) What this direction does. This direction forbids a Class II Consumer who needs lumber to construct a privately financed dwelling to use a certification on orders requesting the delivery of lumber after September 1, 1944 unless he has been authorized by the Federal Housing Administration to receive the lumber required for that project.
This does not apply to the types of projects excepted in paragraph (a) above or to projects which can be constructed without filing form WPB-2896.

(c) Privately financed dwelling projects for which Form WPB 2896 (formerly PD-105) has been filed. A Class II Consumer who needs to receive lumber for a privately

financed housing project that has been approved by the Federal Housing Administration as a result of having filed Form WPB-2896 (formerly PD-105) other than the July 7, 1944 revision of Form WPB-2896, is forbidden to use the certification prescribed in paragraph (q) (1) of Order I-335 on an order requesting the delivery of lumber after September 1, 1944 for such a project unless he has received from the Federal Housing Administration an authorization on Form WPB-2896.1 to receive the lumber. This does not apply to the exceptions referred to in paragraph (a) above. Application Form WPB-2896.1 may be obtained from a field office of the Federal Housing Administration. must be executed in accordance with the instructions on the form and filed with the same field office of the Federal Housing Administration that Form WPB-2896 (formerly PD-105) was filed when the project was originally authorized.

(d) Privately financed dwelling projects for which Form WPB-2896 as revised July 7, 1944 is required. A person who needs to receive lumber for a privately financed housing project which is approved on Form WPB-2896 as revised July 7, 1944 is not required to file Form WPB-2896.1 as the revised version of Form WPB-2896 requires the applicant to report his lumber requirements for that project and the approval of the project by the Federal Housing Administration carries with it the authority to receive the lumber required for that project. A person filing the revised form of WPB-2896 should only report the lumber that he will need to receive after August 31, 1944 and his lumber requirements for the third quarter in 1944 should only show the amount he needs for the month of September 1944.

(e) Receipts of lumber may not be had prior to the quarter in which receipt is authorized. A Class II consumer receiving an authorization on either Form WPB-2896.1 or Form WPB-2896 as revised July 7, 1944 may not receive lumber prior to the beginning of the quarter in which he is authorized on the form to receive the lumber.

(f) Receipts of lumber after calendar quartering the second of the form to receive the lumber.

(f) Receipts of lumber after calendar quarter in which receipts are authorized. A person receiving an authorization on either form WPB-2896.1 or Form WPB-2896 as revised July 7, 1944 to receive lumber in a calendar quarter may receive that lumber in any succeeding calendar quarter if it is required to complete the authorized project but he may not receive more lumber than is actually required for that project.

(g) Additional authorizations and return of authorizations. A Class II consumer who needs to receive more lumber than he has been authorized on either Form WPB-2896.1 or Form WPB-2896 as revised July 7, 1944, may file an amended application for an additional amount of lumber. Amended applications should be on the same type of form as was used in making the original application. If he finds that he will not need as much lumber as authorized by the form, he must notify the Federal Housing Administration on Form WPB-3773 of the amount of lumber he does not need and has not received and must cancel or reduce his outstanding delivery orders accordingly.

(h) Certification of delivery orders and use of ratings. Any Class II consumer that has been authorized on either Form WPB-2896.1 or Form WPB-2896 as revised July 7, 1944 to receive a stated quantity of lumber must certify his purchase orders, sales tickets, or other orders requesting the delivery or transfer of that lumber in accordance with the instructions contained in paragraph (q) of Order I-335. If such a consumer has been authorized on Form WPB-2896 to construct a privately financed housing project but has not received an authorization on Form WPB-

2896.1 or Form WPB-2896 as revised July 7, 1944 to receive lumber for that project he is forbidden to place a certification on orders he places to obtain lumber for that project. This provision does not apply to the exceptions stated in paragraph (a) of this direction.

Issued this 28th day of July 1944. WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 44-11250; Filed, July 23, 1944; 11:31 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER 1

[Conservation Order M-284, as Amended July 28, 1944]

FLAX FIBER

Section 3290.226 ** Conservation Order M-284 is amended to read as follows:

§ 3290.226 1 Conservation Order M-284—(a) Definition. For the purposes of this order:

"Flax" means any form of fiber derived from the flax plant (linum usitatissimum), wherever grown, when grown for fiber purposes as distinguished from seed purposes.

(b) Reports. (1) All processors and owners of flax, having 500 pounds or more at any time during a calendar month, shall file a report monthly, not later than the tenth day of the following month, on Form WPB-914. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) All reports required to be filed under, and all communications concerning this order, shall be addressed to the War Production Board, Textile, Clothing & Leather Bureau, Washington 25, D. C., Ref. M-284.

(c) Applicability of regulations. This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(d) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using materials under priority control and may be deprived of priorities assist-

Issued this 28th day of July 1944.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAM, Recording Secretary.

[F. R. Doc. 44-11251; Filed, July 23, 1844; 11:32 a. m.]

Chapter XI-Office of Price Administration

PART 1448—EATING AND DRIVEING ESTABLISHMENTS

[Rev. Restaurant MPR 5-21

FOOD AND DRINKS SOLD FOR IMPLEDIATE CONSULPTION IN HOUSTON, TEX., DISTRICT

Maximum Price Regulation No. 5-2 is redesignated Revised Maximum Price Regulation No. 5-2 and is revised and amended to read as follows:

In the judgment of the Houston, Texas District Director of Region V the prices of food and beverages sold for immediate consumption in the Houston District as described in this regulation have risen, and are threatening further to rise, to an extent and in a manner inconsistent with the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of the Houston, Texas District, the maximum prices established by this regulation are generally fair and equitable and are necessary to and will check inflation and effectuate the purposes of the act. So far as practicable, the District Director of the Houston, Texas District gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (7 F.R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the District Director of the Houston, Texas District hereby issues this Revised Restaurant Maximum Price Regulation No. 5-2, establishing as maximum prices for food and drink sold for immediate consumption the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.402 Maximum-prices for food and drin!: sold for immediate consumption. Under the authority vested in the District Director of the Houston, Texas District by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50 issued by the Office of Price Administration Revised Restaurant Maximum Price Regulation No. 5–2 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made part hereof, is hereby issued.

Authomity: § 1448,402 issued under Pub. Laws 421 and 723, 77th Cong.; H.O. 9250, 7 P.R. 7871; E.O. 9322, 8 F.R. 4631.

¹Formerly Part 3182, § 3182.1.

^{*}Copies may be obtained from the Office of Price Administration.

REVISED RESTAURANT MAXIMUM PRICE REGU-LATION No. 5-2-FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

Sec.

- 1. Sales at higher than ceiling prices prohibited.
- 2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.

 3. How you figure ceiling prices for food items and meals you did not offer in
- the seven-day period.
- 4. How you figure your prices for seasonal items.
- 5. No ceiling prices for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.
- 6. Substitution of food items in meals.
- 7. Prohibition against manipulation of meal offerings.
- 8. Evasion.
- 9. Rules for new proprietors.
- 10. Seasonal eating and drinking places.
- 11. Taxes.
- 12. Records.
- 13. Posting.
- 14. Operation of several places.
- 15. Relation to other maximum price regulations.
- 16. Geographical application.
- 17. Enforcement.
- 18. Exempt sales.
- 19. Adjustments.
- 20. Definitions and explanations.
- 21. Classes of food items and meals.
- 22. Special orders.
- 23. Licensing.
- 24. Revocation.

SECTION 1. Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place. you must not offer or sell any "food item' (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

SEC. 2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943. Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. How you figure ceiling prices for food items and meals you did not offer in the seven-day period. You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your ceiling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed except as provided in section 4.

SEC. 4. How to figure your prices for seasonal items. First, determine your ceiling price for a "seasonal food item" (defined in section 20 (e)) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: Provided, That in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.

SEC. 5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period. Under no circumstances are you permitted to charge a higher price for a food item or a meal than:

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged. The provisions of this section shall not apply to seasonal dessert specialities specified in section 21A, Class 24a.

Example 1. If your highest ceiling price for any soup offered by you during the sevenday period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

Example 2. You served sirloin steak in

March at \$1.50. You did not serve sirloin steak during the base period. The highest price at which you can now serve sirloin steak of \$1.50.

Sec. 6. Substitution of food items in meals. If you have already determined your ceiling price for a meal, you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customer lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

Sec. 7. Prohibition against manipulation of meal offerings. You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the seven-day period. Among other things you must not:

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

Example: If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners of which two were priced at 85¢, and one each at 90¢, \$1.00, \$1.10, \$1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

Sec. 8. Evasion. (a) You must not evade or avoid the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve-month period: Provided, however, If you had prior to April 4, 1943, customarily maintained established prices for admission, cover, entertainment or other services, but were prevented from maintaining or collecting such charges during the base period by reason of any order issued by any agency of the United States, state or local government, or because of a Federal, State or local court order restricting or limiting such charge, you may upon termination of such restriction continue to make such charges as you customarily had in effect prior to the base period: Provided, That such charges may not go above the highest charge made during the last twelve-month period prior to this date for such admission, cover, entertainment or other services; And provided, further, That no such charge for such services shall be instituted until written approval of such charge is obtained from the Director of the Houston District office upon presentation of satisfactory proof of the requirements hereunder.

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period except that you may refuse to sell coffee unless a customer also purchases another food item:

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which when added together total more than the table d'hote price for the complete meal or give your customers less value for their money.

Example 1. If you customarily offered fish on table d'hote dinners at \$1.10, you may not now offer fish a la carte and refuse to offer it on a table d'hote dinner priced at \$1.10.

Example 2. If you offered table d'hote dinners during the base period at 85¢ to \$1.25 which included dessert and beverage, you may now offer the same food item excluding dessert and beverage at 652 to \$1.05, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

- (b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:
- (1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catsup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful except that less than that may be, given if required by your available

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catsup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

Sec. 9. Rules for new proprietors. (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administra-

tion deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

Sec. 10. Seasonal eating and drinking places—(a) Exempt places. If you are the proprietor of a seasonal eating or drinking place that:

(1) Was not open during the base period from April 4 to 10, 1943;

(2) Receives 90 percent or more of its total annual revenue during four calendar months of the year;

(3) Is located in an area for which no maximum rent regulation has been issued;

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order 50, and you are still subject to the provisions of section 22 of this regulation. Pursuant to this latter section the administrator will by special order establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) Non-exempt places. If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a), you must figure your ceiling prices as fol-

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3 and 4.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b).

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the OPA District Office for the area in which your place is located. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(i) Your name and address.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season.

(iv) The date when you plan to com-

mence operations.

(v) The names of two establishments similar to yours. You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

Sec. 11. Taxes. If during the sevenday period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

Sec. 12. Records. (a) You must observe all the record keeping and filing requirements of General Order No. 50 which are hereby made a part of this regulation by reference.

(b) Customary records. You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) Records of the seven-day period. You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must make available for such examination a list of the highest prices you charged in the sevenday period.

(d) Filing by new proprietors. The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a), (of General Order 50) except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) Future records. Beginning with the effective date of the regulation, you must keep for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 13. Posting. (a) Beginning September 4, 1943, each menu must have clearly and plainly written on or attached to it the following statement:

All prices listed are our ceiling prices or below. By the Office of Price Administration regulation, our ceilings are based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection.

(b) If you made menus available to customers in the seven-day period, you shall continue to make them available.

(c) In addition to requirements in (a) and (b) you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item in this list your ceiling price for such meal or food item.

SEC. 14. Operation of several places. If you own or operate more than one eating or drinking place, you must do everything required by this regulation

for each place separately.

SEC. 15. Relation to other maximum price regulations. The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the base period of this regulation shall not become a maximum price under this regulation to the extent that it exceeded the maximum price established by another regulation applicable at that time.

SEC. 16. Geographical application. This Revised Restaurant Maximum Price Regulation No. 5-2 applies to the following counties in the State of Texas: Brazos, Angelina, Austin, Brazoria, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lee, Leon, Liberty, Madison, Polk, Robertson, Sabine, Matagorda, San Augustine, San Jacinto, Shelby, Milam, Trinity, Tyler, Orange, Mont-gomery, Nacogdoches, Walker, Waller, Newton, Washington, Wharton, and all of Lavaca County except the corporate limits of the City of Yoakum.

SEC. 17. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. Exempt sales. (a) Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(1) Eating and drinking places located on church premises and operated in connection with special church, Sunday School and other religious occasions.

(2) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(3) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(4) Eating and drinking places operated by a school, college, university or other educational institution, primarily for the convenience or accommodation of students and faculty, and not for profit as a commercial or business enterprise

or undertaking.

- (5) Bona fide private clubs insofar as such clubs sell only to members and bona fide guests of members and (whose sales of food items or meals are on a non-profit or cost basis or as near thereto as reasonable accounting methods will permit and where no part of the net earnings of said private club inures to the benefit of any private shareholder or individual). Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking place within the meaning of this regulation. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and it otherwise is operated as a private club. No club organized after the effective date of this regulation shall be exempt unless and until it has filed a request for exemption with the Houston, Texas District Office of the Office of Price Administration, furnishing such information as may be required, and has received communication from such office authorizing exemption as a private club.
- (6) Eating and drinking places owned and operated by charitable, religious or cultural organizations such as the United Service Organization, Red Cross or similar organizations selling food items or meals on a non-profit basis primarily to members of the Armed Forces.
- (b) Sales of fluid milk by eating and drinking places are specifically exempt from the provisions of this regulation, and will remain subject to Supplementary Regulation 14A under General Maximum Price Regulation, and any other applicable regulation or order.

SEC. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circum-

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its operation.

(2) It is determined with reasonable certainty that such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance. the same meals or food items will cost the customers of the eating establishment as much or more than the proposed

adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

- (2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period, and such other information that may be useful in classifying your establishment. In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served.
- (3) The reasons why your customers will be seriously inconvenienced if you

discontinue operations.

- (4) The names and addresses of the three nearest eating places of the same type as yours.
- (5) A list showing your present maxlmum prices and your requested adjusted prices.
- (6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.
- (7) Any other information requested by the Houston District Office. Applications for adjustment under this section shall be acted upon by the Director of the Houston District Office.

Sec. 20. Definitions and explanations. (a) "Persons" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal". Examples of such dishes are: ham and eggs, bread and

butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not

actually on hand to be sold.

(d) "Food items" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food items" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh-fish such as salmon, trout and shad; certain vegetables such as summer squash: and certain fruits such as berries and melons.

(f) Unless the context otherwise requires, the definition set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

Sec. 21. Classes of food items and meals. (See definition of "food item" and "meal" contained in section 20.)

(a) The classes of food items.

BREAKFAST İTEMS

- (1) Fruits, fruit juices and vegetable juices.
- (2) Cereals. (3) Entrees:
- (3) Entrees: egg and combination egg dishes served at breakfast.
- (4) Entrees: meat and meat combination dishes served at breakfast.
- (5) Entrees: all other dishes served at breakfast.
- (6) Bread, rolls, buns, Danish-pastries, etc., served at breakfast.
- (7) All other breakfast dishes including jams, jellies, and preserves.

OTHER ITEMS

- (8) Appetizers, except alcoholic cocktails.
- (9) Soups, including soups in jelly. (10) Beef; steaks, and roasts.
- (11) Veal; steaks, chops and roasts.
- (12) Pork; loin, chops, steaks, and roasts.
- Lamb or mutton; chops, roasts. (13)
- (14) Poultry and fowl.
- (15) Fish and shell-fish.
- (16) Game.
- (17) Miscellaneous and variety meats, including liver and kidneys.
- (18) Prepared dishes such as stews, casseroles, ragouts, curries, etc.
- (19) Egg and cheese dishes and combinations thereof.
- (20) All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
 - (21) Vegetables, including potatoes.
- (22) Salads (except as served as a main course or appetizer course in a meal).
- (23) Desserts: cakes, cookies, pies, pastries, and other baked goods.
- (24) Desserts: ice cream, sherberts, water ices, including combinations with syrups, creams, fruits and nuts.
 (24a) Desserts: Seasonal dessert specialties
- such as watermelon and cantaloupe.
- (25) Desserts: all others, including fruits, puddings and cheese.
- (26) Cold sandwiches, including garnishings, salads and vegetables.
- (27) Hot sandwiches, including garnishes, salads and vegetables.
- (28) All other food items served in a meal
- including mints and preserves.
 (29) Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

(30) Non-alcoholic beverages, including sparkling and mineral waters.

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- (31) Alcoholic malt beverages, including beer and ale.
- (32) Wines, including sparkling wines. (33) Liquors, including whiskeys, gins and brandles.
 - (34) Cordials, including fruit liqueurs. (35) All other alcoholic beverages.

(b) The classes of meals. (1) For purposes of this regulation there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, chil-

dren's breakfast, lunch and dinner. Sec. 22. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended,

and Executive Orders No. 9250 and 9328. Sec. 23. *Licensing*. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Sec. 24. Revocation and amendment. (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

This regulation shall become effective April 1, 1944.

Note: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

Issued this 28th day of March 1944.

DEWITT C. Dum, Acting District Director.

[F. R. Doc. 44-11222; Filed, July 27, 1844; 4:04 p.m.]

PART 1448—EATING AND DRINKING ESTAB-LISHMENTS

[Rev. Restaurant MPR 5-7]

FOOD AND DRINK SOLD FOR IMMEDIATE CON-SULIPTION IN OKLAHOMA CITY DISTRICT

Restaurant Maximum Price Regulation 5-7 is redesignated as Revised Restaurant Maximum Price Regulation 5-7 and is revised and araended to read as fol-

In the judgment of the District Director of the Oklahoma City District, the prices of food and beverages sold for immediate consumption in the counties of Alfalfa, Atolia, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Custer, Dawey, Ellis, Garsield, Garvin, Grady, Grant, Grear, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, McCurtain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Pottawatomie, Pushmataha, Rozer Mills, Seminole, Washida Stephens, Texas, Tillman, Washita, Woods, Woodward, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the said District Director, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the act. So far as practicable," said District Director gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living", 77th Congress, Second Session, and under the authority of Executive Order No. 9250, Executive Order No. 9328, and the Emergency Price Control Act of 1942, the District Director of the Oklahoma City District hereby issues this Revised Restaurant Maximum Price Regulation No. 5-7, establishing as maximum prices for food and drink sold for immediate consumption in the counties mentioned above the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448,407 Maximum prices for food and drink sold for immediate consumption. Under the authority vested in the District Director of the Oklahoma City District by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50 issued by the Office of Price Administration, and Order of Delegation of Authority No. 48 issued by the Regional Administrator of Region V, Revised Restaurant Maximum Price Regulation No. 5-7 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made part hereof, is issued.

AUTHORITY: § 1449.407 insued under Pub. Law 151, 78th Cong., 59 Stat. 23, 765; E.O. 9250, 7 F.R. 7871; E.O. 9323, 8 F.R. 4631.

^{*}Copies may be obtained from the Office of Price Administration.

REVISED RESTAURANT MAXIMUM PRICE REGULA-TION NO. 5-7—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

Sec

- Sales at higher than ceiling prices prohibited.
- How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.
- April 10, 1943.

 3. How you figure ceiling prices for food items and meals you did not offer in the seven-day period.
- How you figure your prices for seasonal items.
- 5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.
- 6. Substitution of food items in meals.
- 7. Prohibition against manipulation of meal offerings.
- 8. Evasion.
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- 22. Licensing.
- 23. Revocation.

Section 1. Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

Sec. 2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943. Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. How you figure ceiling prices for food items and meals you did not offer in the seven-day period. You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your ceiling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed except as provided in section 4

SEC. 4. How you figure your prices for seasonal items. First, determine your ceiling price for a "seasonal food item" (defined in section 20 (e)) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal charge in the raw food cost of the item: Provided, That in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price is based upon estimated average raw food cost of the item for the entire season.

SEC. 5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period. Under no circumstances are you permitted to charge a higher price for a food item or meal than:

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same item or meal prior to April 4, 1943, provided you first file with the appropriate war price and rationing board a menu or certified copy of a record showing the last price charged.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 20 A Class 24a.

Example 1. If your highest ceiling price for any soup offered by you during the sevenday period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

Example 2. You last served sirloin steak in March at \$1.50. You did not serve sirloin steak during the base period. The highest price at which you can now serve sirloin steak is \$1.50.

Sec. 6. Substitution of food items in meals. If you have already determined your ceiling prices for a meal you may substitute for any food item other than

the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price: Provided, The new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

Sec. 7. Prohibition against manipulation of meal offerings. You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the seven-day period. Among other things

you must not

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the sevenday period, as you did on that day.

Example. If you select Friday, April 0, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners of which two were priced at 85%, and one each at 90¢, \$1.00, \$1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

Sec. 8. Evasion. (a) You must not evade the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelvemonth period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not-in effect during the base period;

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which when added together total more than the table d'hote price for the complete meal or give your customers less value for their money.

Example 1. If you customarily offered fish on table d'hote dinners at \$1.10, you may not now offer fish a la carte and refuse to offer it on table d'hote dinner priced at

Example 2. If you offered table d'hote dinners during the base period at 85¢ to \$1.25 which included dessert and beverage, you may now offer the same food item excluding dessert and beverage at 65¢ to \$1.05, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to

one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catsup, chili sauce, etc.), which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful, except that less may be given if required by your available supply.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catsup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 9. Rules for new proprietors. (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high

and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 11 and the posting requirements of section 12 immediately upon the opening of your place.

Sec. 10. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

Sec. 11. Records. (a) You must observe all of the record-keeping and filing requirements of General Order No. 50 which are hereby made a part of this

regulation by reference.

(b) Customary records. You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) Records of the seven-day period. You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. It you did not use menus, you must make available for such examination a list of the highest prices you charged in the seven-day period.

(d) Filing by new proprietors. The proprietor of an eating or drinking place which was not open during the sevenday period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) of General Order 50 (except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) Future records. Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

SEC. 12. Posting. (a) Beginning November 1, 1943, each menu must have clearly written on or attached to it the following statement:

All prices listed are our ceiling prices or below. By Office of Price Administration regulation, our ceiling prices are based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection.

(b) If you made menus available in the seven-day period, you shall continue to make them available.

(c) In addition to the requirements in (a) and (b), you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item on this list your ceiling price for such meal or food item.

SEC. 13. Operation of several places. If you own or operate more than one eating or drinking place, you must do everything required by this regulation

for each place separately.

Sec. 14. Relation to other maximum price regulations. The provisions of this regulation shall not supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, nor O'lahoma City District Order No. G-1 and the amendments thereto. under General Order No. 50, insofar as they establish maximum prices for meals and food items sold by eating and drinking places.

SEC. 15. Geographical application. This Revised Restaurant Maximum Price Regulation No. 5-7 applies to the counties of Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Custer, Dawey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, McCurtain, Major, Marshall, Murray, Noble, Okla-homa, Payne, Pontotoc, Pottawatamie, Pushmataha, Roger Mills, Seminole, Stephens, Texas, Tilman, Washita, Woods and Woodward in the State of Oklahoma.

SEC. 16. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 17. Exempt sales. Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places operated by or in connection with church, Sunday school or other religious organizations.

(b) Hospitals, except for food items and meals served to persons other than the patients, when a separate charge is made for such food items and meals.

(c) Lating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder, or individual), which sells food items or

meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to students. faculty members and employees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy or any other part of the Armed Forces of the United States shall be considered students.

(e) Eating cooperatives formed by officers in the Armed Forces (as, for example, officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual), which sell food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to persons who are mem-

bers of the cooperative.

(f) Bona fide private clubs which file with the appropriate OPA District Office a statement setting forth that:

(1) The club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue;

(2) It sells food items and meals only to members and bona fide guests of members:

- (3) Its members pay dues of more than a merely nominal amount and are elected to membership by a governing board, membership committee or other body, and
- (4) It is otherwise operated as a club. Five days after filing such information, or earlier if so notified by the District Director, a private club may consider.itself exempt unless and until it is otherwise notified by the District Director.

SEC. 18. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its oper-

ation.

- (2) It is determined with reasonable certainty that such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.
- (3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.
- (b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day, during the most recent thirty-day period, and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

- (6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.
- (7) Any other information requested by the Director of the Oklahoma City District Office.
- (8) Application for adjustment under this section shall be acted upon by the Director of the Oklahoma City District Office

SEC. 19. Definitions and explanations. (a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of foods which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout, and shad; certain vegetables such as summer squash; and certain fruits such as berries and melons.

(f) Unless the context otherwise reguires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 20. Classes or food items and eals. (See definition of "food item" meals. and "meal" contained in section 19.)

(a) The classes of food items.

BREAKFAST ITEMS

- 1. Fruits, fruit juices and vegetable juices.
- 2. Cereals.
- 3. Entrees: egg and combination egg dishes served at breakfast.
- 4. Entrees: meat and meat combination dishes served at breakfast.
- 5. Entrees: all other dishes served at breakfast.
- 6. Bread, rolls, buns, Danish-pastries, etc., served at breakfast.
- 7. All other breakfast dishes, including jams, jellies, and preserves.

OTHER ITEMS

- 8. Appetizers, except alcoholic cocktails,
- 9. Soups, including soups in jelly.
- 10. Beef; steaks and roasts.
- 11. Veal; steaks, chops and roasts.
- 12. Pork; loin, chops, steaks, roasts.
- 13. Lamb or mutton; chops, roasts.
- 14. Poultry and fowl.
- 15. Fish and shell-fish.
- 16. Game.
- 17. Miscellaneous and variety meats, including liver and kidneys.
- 18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
- 19. Egg and cheese dishes and combinations thereof.
- 20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop sucy, etc.
- 21. Vegetables, including potatoes.
- 22. Salads (except as served as a main course or appetizer course in a meal).
- 23. Desserts; cakes, cookies, pies, pastries and other baked goods.
- 24. Desserts; Ice cream, sherbets, water ices, including combinations with syrups, creams, fruits and nuts. 24–a. Desserts; seasonal dessert specialties
- such as watermelon and cantaloupe.
- 25. Desserts: all others, including fruits, puddings and cheese.
- 26. Cold sandwiches, including garnishings, salads and vegetables.
- 27. Hot sandwiches, including garnishings, salads and vegetables.
- 28. All other food items served in a meal including mints and preserves.
- 29. Beverage foods, including coffee, cocon, chocolate, tea and milk.

 30. Non-alcoholic beverages, including spar-
- kling and mineral waters, but not including domestic malt beverages, for which ceiling prices are established by Order No. G-1 and Amendments 1 and 2 thereto.

(b) The classes of meals, for purposes of this regulation there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days and breakfast, lunch, tea, dinner and supper on Sunday and legal holidays, children's breakfast, lunch and dinner.

SEC. 21. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time.issue special orders providing for the establishment or reduction of the maximum price of any food item or items_or meal or meals sold or offered by any seller or sellers when, in the Judgment of the Oklahoma City Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328.

Sec. 22. Licensing. The provisions of Licensing Order No. 1 requiring and automatically granting, a license to all persons who make sales under Price Control, are applicable to all sellers subject to this Regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedule or regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 23. Revocation and amendment. (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with and acted upon by the District Director.

This regulation shall become effective April 1, 1944.

Note: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

Issued this 27th day of March 1944. REX A. HAYES, District Director.

[F. R. Doc. 44-11225; Filed, July 27, 1944; 4:04 p. m.]

PART 1448-EATING AND DRINKING ESTABLISHMENTS

[Rev. Restaurant MPR 5-5]

FOOD AND DRINK SOLD FOR IMMEDIATE CON-SUMPTION IN LUBBOCK, TEX., DISTRICT

In the judgment of the Lubbock District Director, the prices of food and beverages sold for immediate consumption in the Lubbock, Texas, District, composed of the Counties of Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hock-ley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Kent, King, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum in the State of Texas, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the Lubbock District Director, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate .

the purposes of the Act. So far as practicable, the Lubbock District Director gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Lubbock District Director hereby issues this Revised Restaurant Maximum Price Regulation No. 5-5, establishing as maximum prices for food and drink sold for immediate consumption in the Lubbock, Texas, District, composed of the above named counties, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.405 Maximum prices for food and drink sold for immediate consumption. Under the authority vested in the Lubbock District Director by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, Executive Order No. 9328, General Order No. 50, and Order of Delegation of Authority No. 48, issued by the Regional Administrator of Region V. Revised Restaurant Maximum Price Regulation No. 5-5 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made part hereof, is issued.

AUTHORITY: § 1448.405 insued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. No. 9250, 7 F.R. 7871, and E.O. No. 9328, 8 F.R.

REVISED RESTAURANT MAXIMUM PRICE RESULA-TION No. 5-5-Food And Daniel Sold For INDEDIATE CONSULPTION

- 1. Sales at higher than celling prices prohibited.
- 2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.
- 3. How you figure ceiling prices for food items and meals you did not offer in the seven-day period.
- 4. How you figure your prices for ceasonal items.
- 5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a feed item or meal of the same class in the base period.
- 6. Substitution of food items in meals.
- 7. Prohibition against manipulation of meal offerings.
- 8. Evasion.
- 9. Rules for new proprietors.
- 10. Seasonal eating and drinking places.
- 11. Taxes.
- 12. Records.
- 13. Posting
- 14. Operation of ceveral places.

- 16. Relation to other maximum price regulations.
- 16. Geographical application.
- 17. Enforcement.
- 18. Exempt cales.
 19. Adjustments.
- 20. Definitions and explanations.
- 21. Clames of food items and meals.
- 22. Special orders.
- 23. Licensing. 24. Revocation and amendment.

Section 1. Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

SEC. 2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943. to April 19, 1943. Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. How you figure your ceiling prices for food items and meals you did not offer in the seven-day period. You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your celling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period, you must proceed as follows:
(1) Determine the cost of the raw

food which you use in preparing the new

food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your cailing price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class as the new food item or meal, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein, means current on the day you figure your price.

(c) Once your ceiling price for a food item or meal has been fixed, it may not

^{*}Copies may be obtained from the Office of Price Administration.

be changed except as provided in section 4.

Sec. 4. How you figure your prices for seasonal items. First, determine your ceiling price for a "seasonal food item" (defined in section 20 (e)) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: Provided, That in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.

SEC. 5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period. Under no circumstances are you permitted to charge a higher price for a food item or a meal than:

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21A, class 25a.

Example 1. If your highest price for any soup offered by you during the seven-day period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

Example 2. You served sirioin steak in March at \$1.50. You did not serve sirioin steak during the base period. The highest price at which you can now serve sirioin steak is \$1.50.

SEC. 6. Substitution of food items in meals. If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

Sec. 7. Prohibition against manipulation of meal offerings. You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the sevenday period. Among other things, you must not

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the sevenday period, as you did on that day.

Example. If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, \$1.00, \$1.10, \$1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

Sec. 8. Evasion. (a) You must not evade or avoid the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction.

prior to the deterioration or reduction;
(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when

purchasing by item or meal;
(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect during the base period except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve month period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period, except that you may refuse to sell coffee unless a customer also purchases another food item;

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which when added together total more than the table d'hote price for the complete meal or give your customers less value for their money.

Example 1. If you customarily offered fish on table d'hote dinners at \$1.10, you may not now offer fish a la carte and refuse to offer it on a table d'hote dinner priced at \$1.10.

Example 2. If you offered table d'hote dinners during the base period at 85¢ to \$1.25 which included dessert and beverages, you may now offer the same food item excluding dessert and beverage at 65¢ to \$1.05, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing regulation or rationing order of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less, than one teaspoonful, except that less may be given if required by your available supply.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

SEC. 9. Rules for new proprietors. (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to acquiring another's business, however, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted, it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices are so fixed as to be too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

Sec. 10. Seasonal eating and drinking places—(a) Exempt places. If you are the proprietor of a seasonal eating or drinking place that

(1) Was not open during the base period from April 4 to 10, 1943;

(2) Receives 90 per cent or more of its fotal annual revenue during four calendar months of the year;

(3) Is located in an area for which no maximum rent regulation has been is-

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order 50, and you are still subject to the provisions of section 22 of this regulation.

Pursuant to this latter section, the Lubbock District Director will, by special order, establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) Non-exempt places. If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a), you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sec-

tions 2, 3, and 4.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b).

(3) If you cannot price under subparagraph (1) or (2) above, you must apply for a price to the OPA District Office for the area in which your place is located. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(i) Your name and address.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season.

(iv) The date when you plan to com-

mence operations.

(v) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may, at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

SEC. 11. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number of price of items or meals.

Sec. 12. Records. (a) You must observe all the record keeping and filing requirements of General Order No. 50 which are hereby made a part of this

regulation by reference.

(b) Customary records. You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) Records of the seven-day period. You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you

did not use menus, you must make available for such examination a list of the highest prices you charged in the seven-

day period.

(d) Filing by new proprietors. The proprietor of an eating or drinking place which was not open during the sevenday period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) of General Order 50 except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such

first Sunday. (e) Future records. Beginning with the effective date of this regulation you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices which you previously recorded for the same item or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of

business within the city.
SEC. 13. Posting. (a) Beginning September 22, 1943, each menu must have clearly written on or attached to it the

following statement:

All prices listed are our ceiling prices or below. By Office of Price Administration regulation, our ceiling prices are based on our highest prices from April 4, 1043, to April 10, 1943. Records of these prices are available for your inspection.

(b) If you made menus available in the seven-day period, you shall continue to make them available.

(c) In addition to the requirements in (a) and (b), you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item on this list your ceiling price for such meal or food item.

Sec. 14. Operation of several places. If you own or operate more than one eating or drinking place, you must do everything required by this regulation

for each place separately.

SEC. 15. Relation to other maximum price regulations. The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the base period of this regulation shall not become a maximum price under this regulation to the extent that it exceeded the maximum price established by another regulation applicable at that time.

Sec. 16. Geographical application. This Revised Restaurant Maximum Price Regulation No. 5-5 applies to the Lubbock, Texas, District composed of the Counties of Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crosby, Culberson, Dal-lam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Kent, King, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum in the State of Texas.

Sec. 17. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of

1942, as amended.

Sec. 18. Exempt sales. Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places located on church premises and operated in connection with special church, Sunday school, and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar, and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(d) Eating and drinking places operated by any school, college, or university, which is a non-profit institution; that is where no part of the net earnings inures to the benefit of any private individual, which sells food items or meals on a nonprofit or cost basis, or as near thereto as reasonable accounting methods will permit, and substantially all sales of which are made to students, faculty members, and employees of such institutions. For the purpose of this section, persons receiving instruction on the premises of such institutions by arrangement with the War Department or the Department of the Navy shall be considered as students.

Sec. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment is operating under such hardship as to cause a substantial threat to the continuance of its operation.

(2) It is determined with reasonable certainty that such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or trans-

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishments as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch, and dinner), number of persons served per day during the most recent thirty-day period, and such other information that may be useful in classifying your establishment.
(3) The reasons why your customers

will be seriously inconvenienced if you

discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested adjusted

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

(7) Any other information requested by the Lubbock District Office.

Applications for adjustment under this section shall be acted upon by the Director of the Lubbock District Office.

Sec. 20. Definitions and explanations. (a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agencies of any of

the foregoing.
(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and

cheese.
(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as

ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food item" means a food item (including beverages) not generally offered for sale throughout the year and normally available in quantities only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout and shad; certain vegetables such as summer squash; and certain fruits such as berries and melons.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 21. Classes of food items and meals. (See definition of "food item" and "meal" contained in section 18.)

(a) The classes of food items.

BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices

- 3. Entrees: egg and combination egg dishes served at breakfast
- 4. Entrees: meat and meat combination dishes served at breakfast 5. Entrees: all other dishes served at break-
- 6. Breads, rolls, buns, Danish-pastries, etc., served at breakfast
- 7. All other breakfast dishes including jams, jellies, and preserves

OTHER ITEMS

- 8. Appetizers, except alcoholic cocktails
- 9. Soups, including soups in jelly 10. Beef; steaks and roasts
- 11. Veal; steaks, chops, and roasts
- 12. Pork; loin, chops, steaks, roasts
- 13. Lamb or mutton; chops, roasts
- 14. Poultry and fowl 15. Fish and shell-fish
- 16. Game
- 17. Miscellaneous and variety meats, including liver and kidneys
- 18. Prepared dishes, such as stews, casseroles, ragouts, curries, etc.
- 19. Egg and cheese dishes and combinations thereof
- 20. All other dishes such as spaghetti and combinations, vegetable platters, baked beans and combinations, chop suey, etc.
- 21. Vegetables, including potatoes.
- 22. Salads (except as served as a main course or appetizer course in a meal)
- 23. Desserts: cakes, cookies, pies, pastries and other baked goods 24. Desserts: ice cream, sherbets, water ices,
- including combinations with 'syrups, creams, fruits and nuts
- 24a. Desserts: seasonal dessert specialties such as watermelon and canteloupe
- 25. Desserts: all others, including fruits, puddings and cheese 26. Cold sandwiches, including garnishings,
- salads, and vegetables 27. Hot sandwiches including garnishings,
- salads and vegetables 28. All other food items served in a meal
- including mints and preserves 29. Beverage foods, including coffee, cocoa, chocolate, tea and milk

BEVERAGES

- 80. Non-alcoholic beverages, including sparkling and mineral waters
- Alcoholic malt beverages, including beer and ale
- 82. Wines, including sparkling wines

- 33. Liquors, including whiskeys, gins and brandles
- 34. Cordials, including fruit liqueurs 35. All other alcoholic beverages

(b) The classes of meals. For purposes of this regulation there shall be thirteen classes of meals, namely: breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

Sec. 22. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

Sec. 23. Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Sec. 24. Revocation and amendment. (a) This regulation may be revoked, amended, or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with and acted upon by the Lubbock District Director.

This regulation shall become effective March 28, 1944.

Note: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. No. 9250, 7 F.R. 7871, and E.O. No. 9328, 8 F.R. 4681.)

Issued at Lubbock, Texas, this 28th day of March, 1944.

HOWARD R. GHOLSON, District Director.

[F. R. Doc. 44-11224; Filed, July 27, 1944; 4:05 p. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Rev. Restaurant MPR 5-31

FOOD AND DRINK SOLD FOR IMMEDIATE CON-EUMPTION IN SAN ANTONIO, TEX., DIS-TRICT

Restaurant Maximum Price Regulation No. 5-3 is redesignated Revised Res-

¹ In counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served.

taurant Maximum Price Regulation No. 5-3 and is revised and amended to read as follows:

In the judgment of the San Antonio, Texas, District Director of Region V, the prices of food and beverages sold for immediate consumption in the San Antonio District as described in this regulation have risen, and are threatening further to rise, to an extent and in a manner inconsistent with the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of the San Antonio, Texas, District, the maximum prices established by this regulation are generally fair and equitable and are necessary to (and will) check inflation and effectuate the purposes of the Act. So far as practicable, the District Director of the San Antonio, Texas, District gave due consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living (7 F.R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the District Director of the San Antonio, Texas, District hereby issues this Revised Restaurant Maximum Price Regulation No. 5-3, establishing as maximum prices for food and drink sold for immediate consumption the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1942.

§ 1448.403 Maximum prices for food and drink sold for immediate consumption. Under the authority vested in the District Director of the San Antonio, Texas, District by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50 issued by the Office of Price Administration, and Order of Delegation of Authority Under General Order 50 issued by the Regional Administrator of Region V, Revised Restaurant Maximum Price Regulation No. 5-3 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1448.403 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

REVISED RESTAURANT MAXIMUM PRICE REGULA-TION NO. 5-3—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

Sec.

- Sales at higher than ceiling prices prohibited.
- How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.

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- 3. How you figure ceiling prices for ford items and meals which you cannot price under section 2.
- 4. How you figure celling prices which you cannot determine under sections 2 or 3.
- 5. How you figure your prices for ceasonal items.
- 6. Substitution of food items in meals.
- Prohibition against manipulation of meal offerings.

8. Evasion.

- 9. Rules for new proprietors.
 10. Seasonal eating and drinking places.
- 10. Seasonal eating and drinking place 11. Taxes.
- 12. Records.
- 13. Posting.
- 14. Operation of several places.
- 15. Relation to other maximum price acquiations.
- 16. Geographical application.
- 17. Enforcement.
- 18. Exempt sales.
- 19. Adjustments.
- 20. Definitions and explanations.
- 21. Classes of food items and meals.
- 22. Special orders.
- 23. Licensing.
- 24. Revocation and amendment.

Section 1. Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next four sections (sections 2 to 5, incl.). You may, of course, sell at lower than ceiling prices.

You may not sell any "food item" at a maximum price determined in accordance with this regulation if the maximum price so determined is a result of a violation by you of any regulation or order of the Office of Price Administration which is or was in effect during the base period used by you in establishing your price.

Sec. 2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943. Your ceiling price for any "food item" or "meal" is the highest price at which you offered the same "food item" or the same "meal" as a "meal of the same class" in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. (There are thirteen classes of "meals" provided for in section 21 B of this regulation).

Example. If you charged during the seven-day period 75 cents for a dinner on week days and \$1.00 for the identical dinner on Sunday, the most you can charge for the dinner on week days is 75 cents because section 21B provides that weekday dinners are dinners of a different class from Sunday dinners.

Sec. 3. How you figure ceiling prices for food items and meals which you cannot price under section 2. If you cannot figure your ceiling price for a "food item" or "meal" under section 2 and if you have adequate records of the prices you charged during the period from March 7 to April 3, 1943, inclusive, you must take, as your ceiling price for such "food item" or "meal," the highest price at which you offered the same "food item" or the same "meal" as a "meal of the same class" during that four-week period. (See section 21B for classes of meals.)

- Sec. 4. How you figure ceiling prices which you cannot determine under sections 2 or 3. If you cannot determine your celling price for a "food item" or "meal" under sections 2 or 3, you must proceed as follows:
- (a) Determine the cost of the raw food which you use in preparing the new "food item" or "meal."
- (b) From the "food items" and "meals" for which you have already established ceiling prices choose a "food item" or "meal" which currently has a raw food cost equal to or less than the raw food cost of the new "food item" or "meal."

Example. You desire to determine your ceiling price for a broiled trout dinner to be cerved on west days and you did not serve such a dinner on west days during the period from March 7 to April 10, 1843, inclusive. You find that the raw food cost of this meal is 50 cents. You select from the meals for which you have already established ceiling prices a week-day dinner which has a raw food cost equal to or less than 50 cents. Since you may not select a meal which has a greater food cost than the raw food cost of the meal you are pricing, the meal you celect in this instance must not have a raw food cost of more than 50 cents.

- (c) Take as your ceiling price for the new "food item" or "meal" your ceiling price for the "food item" or "meal" chosen for comparison. The "food item" or "meal" offered for such comparison should be of the same class as the new "food item" or "meal" (the different classes of "meals" and "food items" are set out in section 21B). If, however, you can find no "food item" or "meal" of the same class, you may use for comparison the most similar "food item" or "meal" of another class having a food cost equal to or less than your food cost for the new "food item" or "meal." "Currently" as used herein means current on the day you figure your price.
- (d) Under no circumstances are you permitted to use a raw food cost which exceeds the current maximum price fixed under any applicable maximum price regulation or order of the Office of Price Administration.
- (e) Under no circumstances are you permitted to charge a higher price for any "food item" or "meal" determined under this section which is higher than the highest of the following prices:
- (1) Your highest ceiling price for "food items" or "meals of the same class" offered in the seven-day period; or (2) The last price at which you sold
- (2) The last price at which you sold the same "food item" or the same "meal" as a "meal of the same class" prior to March 7, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of the record showing the last price charged. The limitations under this section 4, paragraph (e), shall not apply to seasonal dessert specialties specified in section 21A, class 25.

Example 1. If you did not serve split pea coup during the five-week period and you determine the price in accordance with section 4, arriving at a price of 25 cents for split pea coup and the highest price you charged for any soup during the seven-day period was 16 cents, you may not now charge more than 16 cents for split pea soup, unless you find that the last time you served the soup

^{*}Copies may be obtained from the Office of Price Administration.

prior to March 7, 1943, you offered it at a price of more than 15 cents in which event you may take as your price either the 25 cents arrived at under section 4 or the highest price charged by you for split pea soup prior to March 7, 1943, whichever is the lower.

Example 2. If you did not serve a chicken dinner on a week day during the five-week period and now wish to do so, you must calculate your maximum price under section 4. Suppose that your calculated price is \$1.25 and the highest priced week-day dinner you served during the seven-day period from April 4 to April 10, 1943, inclusive, was \$1.00, you may not now charge more than \$1.00 for this week-day dinner, unless the last time you served a week-day chicken dinner prior to March 7, 1943, you served it at a higher price than \$1.00. In such case, you may use the last price charged, or your price calculated under section 4, whichever is lower. Observe the requirement that a supporting menu or certified copy of a record showing the maximum price charged must be first filed with your War Price and Rationing Board.

SEC. 5. How you figure your prices for seasonal items. (a) First you determine your ceiling price for a "seasonal food item" (defined in section 20 (e)) in accordance with the first applicable pricing provision contained in sections 2, 3, and 4 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: Provided, That in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.

Example. Suppose when you first determine your maximum price for a serving of strawberries and cream it is 25 cents per serving and the raw food cost of this item is $12\frac{1}{2}$ cents. Later, your raw food cost on this item is reduced to 10 cents, then the maximum price you may charge for a serving of strawberries at such time is 20 cents.

(b) In reducing your price of a "seasonal food item," you may ignore any reduction in raw food cost which would reduce the price of the item less than 5 cents. If the reduction is more than 5 cents and you customarily express your prices in multiples of 5 cents, you may adjust your price to the nearest figure which will be a multiple of 5 cents.

(c) Except for ceiling prices which are to be varied in accordance with this section, all of your ceiling prices for food items or meals once fixed or determined may not be changed by you.

Sec. 6. Substitution of food items in meals. If you have already determined your ceiling price for a meal, you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you

must, therefore, determine its ceiling price in accordance with the rules established by section 4.

Sec. 7. Prohibition against manipulation of meal offerings. You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the seven-day period. Among other things, you must not

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class. To determine the mid-point, add the price of your highest priced meal to the price of your lowest priced meal of the same class and divide by two.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day-you select in the seven-day period, as you did on that day.

Example 1: You have always offered five meals on week days at \$1.50, \$1.25, \$1.00, 85¢ and 65¢. The mid-point is \$1.07½. Your middle price is \$1.00. You may not eliminate your 85¢ meal without eliminating either your \$1.25 or your \$1.50 meal.

Example 2: If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢ and one each at 90¢, \$1.00, \$1.10 and \$1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different

SEC. 8. Evasion. (a) You must not evade or avoid the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum. bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelvemonth period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period.

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal or give your customers less value for their money.

(6) Shortening the period of time in each day during which table d'hote meals are offered unless there is a corresponding reduction in the period of time in which a la carte meals are

served.

(b) You will not be considered evading the provisions of this regulation, how-ever, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to

one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruits, or other similar food items with which sugar is served, to, but not Iess than, one teaspoonful except that less than that may be given if required by your available supply.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

SEC. 9. Rules for new proprietors. (a) If you acquire another's business subsequent to the seven-day period and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor would have been had he continued to operate the business.

(1) If your acquisition was subsequent to the seven-day period but prior to the effective date of this regulation, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. You may not, however, make such ap-

plication after July 1, 1944.

(2) Prior to acquiring another's business after the effective date of this regulation, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. If you are granted permission to price under paragraph (b) of this section, it will be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

Sec. 10. Seasonal eating and drinking places—(a) Exempt places. If you are the proprietor of a seasonal eating or drinking place that fills all the following classifications:

(1) Was not open during the base pe-

riod from April 4 to 10, 1943;

(2) Receives 90 per cent or more of its total annual revenue during four calendar months of the year; and

(3) Is located in an area for which no maximum rent regulation has been issued:

the price for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order 50, and you are still subject to the provisions of section 22 of this regulation. Pursuant to this latter section, the Administrator will, by special order, establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) Non-exempt places. If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a), you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sec-

tions 2, 3, 4, and 5.

- (2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b).
- (3) If you cannot price under subpargraphs (1) and (2) above, you must apply for a price to the OPA District Office for the area in which your place is located. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:
 - (i) Your name and address;
- (ii) A brief description of your business and the manner of operation;
- (iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season;
- (iv) The date when you plan to commence operations;
- (v) The names of two establishments similar to yours. You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

Sec. 11. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

Sec. 12. Records. (a) You must observe all the record-keeping and filling requirements of General Order No. 50, which are hereby made a part of this

regulation by reference.

(b) Customary records. You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarly kept. All such records shall be subject to examination by the Office of Price Administration.

(c) Records of the seven-day period. You must make readily available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must make readily available for such examination a list of the highest prices you charged in the seven-day period.

(d) Filing by new proprictors. The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a), (of General Order 50), except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) Future records. Beginning with the effestive date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus, you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same item or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the central office of the principal place of business within the city.

SEC. 13. Posting. (a) Beginning September 20, 1943, each menu must have clearly written on or attached to it the

following statement:

All prices listed are our celling prices or below. By Office of Price Administration Regulation, our celling prices are based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection.

- (b) If you made menus available in the seven-day period, you shall continue to make them available.
- (c) In addition to the requirements in (a) and (b), you must post in a conspicuous place, preferably at or near the

cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item on this list your ceiling price for such meal or food item.

Sec. 14. Operation of several places. If you own or operate more than one eating or drinking place, you must do everything required by this regulation

for each place separately.

Sec. 15. Relation to other maximum price regulations. The provisions of this regulation shall in the territory covered by it, as set out in section 16 hereof, supersede other regulations, including the General Maximum Price Regulation, now issued by the Office of Price Administration insofar as they establish maximum prices for meals and food items sold by eating and drinking places. However, a price charged during the base period of this regulation shall not become a maximum price under this regulation to the extent that it exceeded the maximum price established by another regulation applicable at that time.

SEC. 16. Geographical application. This Revised Restaurant Maximum Price Regulation No. 5-3 applies to the following counties in the State of Texas: Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crockett, DaWitt, Dimmit, Duval, Edwards, Frio, Gillespie, Guadalupe, Goliad, Gonzales, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kimble, Kleberg, LaSalle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Menard, Nueces, Real, Refugio, San Patricio, Schleicher, Starr, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zavala, Zapata, and that portion of Lavaca County which lies within the corporate limits of the City of Yoakum, Texas.

Sec. 17. Enforcement. Persons violating any provisions of this Regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

Src. 18. Exempt sales. (a) Sales by the following eating or drinking places are specifically exempt from the pro-

visions of this regulation:

(1) Eating and drinking places located on church premises and also any sales of food and beverages by churches, Sunday Schools, and other religious organizations unless such sales are made as a regular business.

(2) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(3) Eating and drinking places located on board common carriers (when operated as such) including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(4) Eating and drinking places operated by a school, college, university or other educational institution by a students' fraternity or other students' organization or association primarily for

the convenience or accommodation of students and faculty and not for profit as a commercial or business enterprise or undertaking.

- (5) Eating and drinking places owned or operated by charitable, religious, or cultural organizations, recognized as such by the Bureau of Internal Revenue and exempt from payment of income tax by reason thereof, where no part of the net earnings inures to the benefit of any private shareholders or individual, and
- (i) The net profits, if any, are devoted to religious, charitable, or cultural purposes generally recognized as such in the community where the food items and meals are served by such organization;

(ii) It sells food items and meals only served primarily on a non-profit basis to members of the Armed Forces.

(6) Eating cooperatives formed by officers in the Armed Forces (as for example, Officers' Mess) operated as a nonprofit cooperative (where no part of the net earnings inures to the benefit of any individual), which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to officers who are members of the cooperative.

(7) Bona fide private clubs which file with the appropriate Office of Price Administration District Office a statement

setting forth that:

(i) The club is a non-profit organization and is recognized as such by the Bureau of Internal Revenue:

(ii) It sells food items and meals only to members and bona fide guests of members:

- (iii) Its members pay dues of more than a mere nominal amount (the amount of dues paid by each class of members and the period covered by such dues should be indicated) and are elected to membership by a governing board, membership committee or other body; and
- (iv) It is otherwise operated as a club.

Five days after filing such information. or earlier if so notified by the District Director, a private club may consider itself exempt unless and until it is otherwise notified by the District Director. Any club which, subsequent to such filing, changes its operations with respect to any of the requirements stated above shall immediately notify its Office of Price Administration District Office accordingly. Any club which sells food items or meals to persons other than members and bona fide guests of members is subject to this regulation with respect to all sales.

(8) Eating and drinking establishments operated by an Army Exchange under Army Regulations No. 210-65.

(b) Sales of fluid milk by eating and drinking places are specifically exempt from the provisions of this regulation. and will remain subject to Supplementary Regulation 14A under the General Maximum Price Regulation, and any other applicable regulation or order.

SEC. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The eating establishment is operating under such hardship as to cause a substantial threat to the continuance of its operation.

(2) It is determined with reasonable certainty that such discontinuance will result_in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to dis-

tance, hours of service, selection of meals

or food items offered, capacity, or trans-

portation.

(3) By reason of such discontinuance. the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

- Your name and address.
 A description of your eating establishment, including type of service rendered (such as cafeteria, table service, classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period, and such other information that may be useful in classifying your establishment. In counting the number of persons served, anyone who is served more than once is to be counted separately for each occasion he was served.
- (3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.
- (4) The names and addresses of the three nearest eating places of the same type as yours.
- (5) A list showing your present maximum prices and your requested adjusted prices.
- (6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.
- (7) Any other information requested by the San Antonio District Office. Applications for adjustment under this section shall be acted upon by the Director of the San Antonio, Texas, District Office.

SEC. 20. Definitions and explanations. (a) "Persons" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other Government, any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal".

Examples of such dishes are: Ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating or drinking without change in form or additional preparation. (Mere heating, cooling, seasoning or mixing with other food items does not constitute preparation). It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple ple and cheese.

(e) "Seasonal food item" means a food item (excluding beverages) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods of each year. Examples are: Certain shell fish, such as oysters; certain fresh fish, such as salmon; certain fresh vegetables, such as summer squash; certain fresh fruits, such as berries and melons. Canned and quick-frozen foods are not seasonal items, nor are meats derived from domestic animals and fowl.

The terms "generally offered for sale" and "normally available" refer to practices and conditions prevailing prior to the entry of the United States into the

present war.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by Office of Price Administration, shall apply to other terms used herein.

SEC. 21. Classes of food items and meals. (See definitions of "food item" and "meal" contained in section 20) (a) The classes of food items.

BREAKFAST ITEMS

- .1. Fruits, fruit juices and vegetable juices.
- .2. Cereals.
- 3. Entrees: egg and combination egg dishes served at breakfast.
- 4. Entrees: meat and meat combination dishes served at breakfast.
- 5. Entrees: all other dishes served at breakfast.
- 6. Breads, rolls, buns, Danish-pastries, etc., served at breakfast.
- 7. All other breakfast dishes including jams, jellies and preserves.

OTHER ITEMS

- 8. Appetizers, except alcoholic cocktails.
- 9. Soups, including soups in jelly.
- Beef: steaks and roasts.
 Veal: steaks, chops and roasts.
- 12. Pork: loin, chops, steaks, and roasts.
- 13. Lamb or mutton: chops and roasts.
- 14. Poultry and fowl.
- 15. Fish and shell-fish.
- 16. Game.
- 17. Miscellaneous and variety meats, including liver and kidneys.
- 18. Prepared dishes, such as stows, cassoroles, ragouts, curries, etc.
- 19. Egg and cheese dishes and combinations thereof.

- 20. All other dishes such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
- 21. Vegetables, including potatoes.
- 22. Salads (except as served as a main course or appetizer course in a meal).
- 23. Tamales, enchiladas, chile concarne and other Mexican dishes.
- 24. Desserts: cakes, cookies, pies, pastries and other baked goods.
- 25. Desserts: ice creams, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
- 25a. Descrits: seasonal dessert specialties, such as watermelon and cantaloupe.
- 26. Desserts: all others, including fruits, puddings and cheese.
- Cold sandwiches, including garnishings,
- salads and vegetables. 28. Hot sandwiches, including garnishings, salads and vegetables.
- 29. All other food items served in a meal, including mints and preserves.
- 30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

BEVERAGES

- 31. Non-alcoholic beverages, including sparkling and mineral waters.
- 32. Alcoholic malt beverages, including beer and ale.
- 33. Wines, including sparkling wines.
- 34. Liquors, including whiskeys, gins and brandies.
- 35. Cordials, including fruit liquors.
- 36. All other alcoholic beverages.

(b) The classes of meals. For the purposes of this regulation, there shall be thirteen classes of meals; namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

Sec. 22. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

SEC. 23. Licensing. The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 24. Revocation and amendment. (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

This regulation shall become effective April 17, 1944.

Note: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; and General Order 50, 8 F.R. 4808)

Issued at San Antonio, Texas, this 13th day of April 1944.

> FRANK M. COVERT, Jr., District Director.

[F. R. Doc. 44-11223; Flied, July 27, 1944; 4:05 p. m.]

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PART 1448-EATING AND DRINKING ESTABLISHMENTS

[Rev. Restaurant MPR 5-12]

FOOD AND DRINK SOLD FOR ILLIAEDIATE CON-SUMPTION IN FORT WORTH, TEX., DISTRICT

Restaurant Maximum Price Regulation 5-12 is redesignated Revised Restaurant Maximum Price Regulation 5-12 and is revised and amended to read as follows:

In the judgment of the Fort Worth. Texas, District Director, the prices of food and beverages sold for immediate consumption in the following counties in Texas: Archer, Baylor, Bell, Bosque, Brown, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coyrell, Denton, Eastland, Erath, Falls, Fisher, Foard, Hamilton, Hardeman, Haskell. Hill, Hood, Jack, Johnson, Jones, Knox, Lampasas, McCulloch, McLennan, Mills, Montague, Nolan, Palo Pinto, Parker, Runnels, San Saba, Shackelford, Somervell, Stephens, Tarrant, Taylor, Throck-morton, Tom Green, Wichita, Wilbar-ger, Wise, and Young, have risen and are threatening further to rise to an extent and in a manner inconsistent with the purpose of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of the Fort Worth, Texas, District, the maximum prices established by this Regulation are generally fair and equitable and are necessary to (and will) check inflation and effectuate the purposes of the Act. So far as practicable, the District Director of the Fort Worth, Texas, District gave due considération to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority

therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living," 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the District Director of the Fort Worth, Texas, District, hereby issued this Revised Restaurant Maximum Price Regulation No. 5-12, establishing as maximum prices for food and drink sold for immediate consumption in the counties mentioned above the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.412 Maximum prices for food and drink sold for immediate consumption. Under the authority vested in the District Director of the Fort Worth, Texas, District by the Emergency Price Control Act of 1942 as amended, Executive Order 9250, Executive Order 9328, and General Order No. 50, as amended, issued by the Office of Price Administration, and order of delegation of authority under General Order No. 50, as amended, issued by the Regional Administrator of Region V, Revised Restaurant Maximum Price Regulation No. 5-12 (Food and Drink Sold for Immediate Consumption), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: \$ 1448.412 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9323, 8 F.R. 4681; Gen. Order No. 50, 8 F.R. 4803.

REVISED RESTAURANT MAXIMUM PRICE REGULA-TION 5-12-FOOD AND DERNE SOLD FOR IM-MEDIATE CONSUMPTION

- 1. Sales at higher than ceiling prices prohibited.
- 2. How you figure ceiling prices for food items and meals you offered in the ceven-day period from April 4, 1943, to April 10, 1943.
- 3. How you figure ceiling prices for food items and meals which you cannot price under section 2.
- 4. How you figure calling prices which you cannot determine under sections 2 or
- 5. How you figure your prices for seasonal items.
- 6. Substitution of food items in meals.
- 7. Prohibition against manipulation of meal offerings.
- 8. Evasion.
- 9. Rules for new proprietors.
 .10. Seaconal eating and drinking places.
- 11. Taxes.
- 12. Records.
- 13. Posting.
- 14. Operation of several places. 15. Relation to other maximum price regulations.
- 16. Geographical application.
- 17. Enforcement.
- 18. Exempt cales.
- 19. Adjustments.
- 20. Definitions and explanations.21. Classes of food items and meals.
- 22. Special orders.
- 23. Licensing.
- 24. Revocation and amendment.

Section 1. Sales at higher than ceiling prices prohibited. If you own or operate

^{*}Copies may be obtained from the Office of Price Administration.

ca restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the direction in the next four sections (sections 2 to 5, inclusive). You may, of course, sell at lower than ceiling prices. However, a price charged during the period April 4. 1943, to April 10, 1943, as provided under section 2 hereof, or a price charged during the period March 7, 1943, to April 3, 1943, inclusive, as provided under section 3 hereof, shall not become a maximum price under this regulation if it exceeded the maximum price established by another regulation applicable at that time. In such case, the lawful maximum price applicable at that time shall be the maximum price hereunder.

SEC. 2. How you figure ceiling prices for-food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943. Your ceiling price for any "food item" or "meal" is the highest price at which you offered the same "food item" or the "same meal" in the sevenday period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. (There are thirteen classes of "meals" provided for in section 21 (b) of this regulation.)

Example. If you charged during the seven-day period 75 cents for a dinner on week days and \$1.00 for the identical dinner on Sunday, the most you can charge for the dinner on week days is 75 cents because section 21 (b) provides that week-day dinners are dinners of a different class from Sunday

SEC. 3. How you figure ceiling prices for food items and meals which you cannot price under section 2. If you cannot figure your ceiling price for a "food item" or "meal" under section 2, and if you have adequate records of the prices you charged during the four-week period from March 7 to April 3, 1943, inclusive, you must take, as your ceiling price for such "food items" or "meals" the high-est price at which you offered the same "food item" or the "same meal" during that four-week period. (See section 21 (b) for classes of meals.)

SEC. 4. How you figure ceiling prices which you cannot determine under sections 2 or 3. If you cannot determine your ceiling price for a "food item" or "meal" under section 2 or 3, you must proceed as follows:

(a) Determine the cost of the raw food which you use in preparing the new "food item" or "meal."

(b) From the "food items" and

"meals" for which you have already established ceiling prices, choose a "food item" or "meal" which currently has raw food cost equal to or less than the raw food cost of the new "food item" or

Example. You desire to determine your ceiling price for a broiled trout dinner to be served on week days and you did not serve such a dinner on week days during the period from March 7 to April 10, 1943, inclusive. You find that the raw food cost of this meal is 50 cents. You select from the meals for which you have already established ceiling

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prices a week-day dinner which has a raw food cost equal to or less than 50 cents. Since you may not select a meal which has a greater food cost than the raw food cost the meal you are pricing, the meal you select in this instance must not have a raw food cost of more than 50 cents.

(c) Take as your ceiling price for the new "food item" or "meal" your ceiling price for the "food item" or "meal" chosen for comparison. The "food item" or "meal" offered for such comparison should be of the same class a the new "food item" or "meal" (the different classes of "meals" and "food items" are set out in section 21 (b). If however, you can find no "food item" or "meal" of the same class, you may use for com-parison the most similar "food item" or "meal" of another class having a food cost equal to or less than your food cost for the new "food item" or "meal." 'Currently" as used herein means current on the day you figure your price.

(d) Under no circumstances are you permitted to use a raw food cost which exceeds the current maximum price fixed under any applicable maximum price regulation or order of the Office of

Price Administration.

(e) Under no circumstances are you permitted to charge a price for any "food item" or "meal" determined under this section which is higher than either of the following prices:

(1) Your highest ceiling price for "food items" or "meals" of the same class offered in the seven-day period; or

(2) The last price at which you sold the same "food item" or the same "meal" prior to March 7, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of the record showing the last price charged. The limitations under this section 4, paragraph (e) shall not apply to seasonal dessert specialties specified in section 21 (a), Class 25A.

Example 1. If you did not serve split pea soup during the five-week period and you determine the price in accordance with section 4, arriving at a price of 25 cents for split pea soup, and the highest price you charged for any soup during the seven-day period was 15 cents, you may not now charge more than 15 cents for split pea soup, unless you find that the last time you served the soup prior to March 7, 1943, you offered it at a price of more than 15 cents, in which event you may take as your price either the 25 cents arrived at under section 4 or the highest price charged by you for split pea soup prior to

March 7, 1943, whichever is the lower.

Example 2. If you did not serve a chicken dinner on a week day during the five-week period and now wish to do so, you must calculate your maximum price under section 4. Suppose that your calculated price is \$1.25 and the highest priced week-day dinner you served during the seven-day period from April 4, 1943, to April 10, 1943, inclusive. was \$1.00, you may not now charge more than \$1.00 for this week-day dinner, unless the last time you served a week-day chicken dinner prior to March 7, 1943, you served it at a higher price than \$1.00. In such case, you may use the last price charged, or your price calculated under section 4, whichever is lower. Observe the requirement that a supporting menu or certified copy of a record showing the maximum price charged must be first filed with your War Price and Rationing Board.

(f) Except for ceiling prices which are to be varied in accordance with section 5. all of your ceiling prices for food items or meals once fixed or determined may not be changed by you.

SEC. 5. How you figure your prices for seasonal items. (a) First you determine your ceiling price for a "seasonal food item" (defined in Section 20 (e)) in accordance with the first applicable pricing provision contained in sections 2, 3, and 4 of this regu-lation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item: Provided, That in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule: Provided, The ceiling price was based upon estimated average raw food cost of the item for the entire season.

Example. Suppose when you first determine your maximum price for a serving of strawberries and cream it is 25 cents per serving and the ray food cost of this item is 12½ cents. Later, your raw food cost on this item is reduced to 10 cents, then the maximum price you may charge for a serving of strawberries at such time is 20 cents.

(b) In reducing your price of a "seasonal food item," you may ignore any reduction in the raw food cost which would reduce the price of the item less than 5 cents. If the reduction is more than 5 cents and you customarily express your prices in multiples of 5 cents, you may adjust your price to the nearest figure which will be a multiple of 5 cents.

Sec. 6. Substitution of food items in meals. If you have already determined your ceiling price for a meal, you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 4.

SEC. 7. Prohibition against manipulation of meal offerings. You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the sevenday period. Among other things you must not:

(a) Reduce the number of meals offered at prices equal to or below your 'middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the mid-point of your price range for meals of the same class. To determine the mid-point, add the price of your highest priced meal to the price of your lowest priced meal of the same class and divide by two.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

Example 1. You have always offered five meals on week days at 81.50, \$1.25, \$1.00, 85¢, and 65¢. The mid-point is \$1.07½. Your middle price is \$1.00. You may not eliminate your 85¢ meal without eliminating either your \$1.50 meal.

either your \$1.25 or your \$1.50 meal.

Example 2. If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, \$1.00, \$1.10, and \$1.50, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

SEC. 8. Evasion. (a) You must not evade or avoid the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price.

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal.

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, checkrooms, parking or any other special charges, or making such charges when they were not in effect in the seven-day period, except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelvemonth period.

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period.

(5) Reducing the selection of meals offered at table d'hote prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together, total more than the table d'hote price for the complete meal or give your customers less value for their money.

(6) Shortening the period of time in each day during which table d'hote meals are offered unless there is a corresponding reduction in the period of time in which a la carte meals are served.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one cup of coffee per meal.

(2) You may limit your customers to one pat of butter per meal.

(3) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(4) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one tea-spoonful, except that less than that may be given if required by your available

supply.
You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period

example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

Sec. 9. Rules for new proprietors. (a) If you acquired or acquire another's business subsequent to the seven-day period beginning April 4, 1943, and continue the business in the same place, you are subject to the same celling prices and duties as the previous proprietor.

(b) If you open an eating or drinking place after the seven-day period you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.

Sec. 10. Seasonal eating and drinking places—(a) Exempt places. If you are the proprietor of a seasonal eating or drinking place that meets all of the following requirements:

(1) Was not open during the base period from April 4 to 10, 1943;

(2) Receives 90 percent or more of its total annual revenue during four calendar months of the year; and

(3) Is located in an area for which no maximum rent regulation has been issued:

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order No. 50, as amended, and you are still subject to the provisions of section 22 of this regulation. Pursuant to this latter section, the Administrator will, by special order, establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

(b) Non-exempt places. If you are the proprietor of a seasonal eating or drinking place which is not exempt under the

terms of paragraph (a), you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3, 4, and 5.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your celling prices as a new proprietor under the terms of section 9 (b).

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the OPA District Office for the area in which your place is located. Your application must be filed ten days prior to the date you plan to commence operations and present the following information:

(i) Your name and address;

(ii) A brief description of your business and the manner of operation;

(iii) A list showing the prices you charged during the previous season as well as the prices you propose to charge during the coming season;

(iv) The date when you plan to commence operations;

(v) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it

deems proper.

SEC. 11. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

SEC. 12. Records. (a) You must observe all the record keeping and filing requirements of General Order No. 50, as amended, which are hereby made a part of this regulation by reference.

(b) Customary records. You must preserve all your existing records relating to your prices, costs, and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) Records of the seven-day period. You must make readily available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must make readily available for such examinations a list of the highest prices you charged in the seven-day period.

(d) Filing by new proprietors. The proprietor of an eating or drinking place which was not open during the seven-

day period (including newly-opened places) shall file menus or a price list in accordance with paragraph (a) of General Order No. 50, as amended, except that (1) the filing shall be for the sevenday period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) Future records. Beginning with the effective date f this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus, you must prepare in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for these places at a central office or the central office of the principal place of business within the city.

SEC. 13. Posting. (a) Beginning November 1, 1943, each menu must have clearly written on or attached to it the

following statement:

All prices listed are our ceiling prices or below. By Office of Price Administration Regulation, our ceiling prices are based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection.

(b) If you made menus available in the seven-day period, you shall continue to make them available.

(c) In addition to the requirements in (a) and (b), you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item on this list your ceiling price for such meal or food item.

Sec. 14. Operation of several places. If you own or operate more than one eating or drinking place, you must do everything required by this regulation

for each place separately.

Sec. 15. Relation to other maximum price regulations. The provisions of this regulation shall not be applicable to the sale of those food items and beverages which are now, or may hereafter be, covered by specific regulations or the General Maximum Price Regulation; for example, such items as (but not limited to) bottled soft drinks, fluid sweet milk, malt beverages, candy, chewing gum, cigarettes, cigars, chewing tobacco, smoking tobacco, etc.

SEC. 16. Geographical application. This Revised Restaurant Maximum Price Regulation No. 5-12 applies to the following counties: Archer, Baylor, Bell, Bosque, Brown, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Denton, Eastland, Erath, Falls, Fisher, Foard, Hamilton, Hardeman, Haskell, Hill, Hood, Jack, Johnson, Jones, Knox, Lampasas, McCulloch, McLennan, Mills, Montague, Nolan, Palo Pinto, Parker, Runnels, San Saba,

Shackelford, Somervell, Stephens, Tarrant, Taylor, Throckmorton, Tom Green, Wichita, Wilbarger, Wise, and Young.

SEC. 17. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 18. Exempt sales. Sales by the following eating or drinking places are specifically exempt from the provisions

of this regulation:

(a) Eating and drinking places located on church premises and also any sales of food and beverages by churches, Sunday schools, and other religious organizations unless such sales are made as a regular business.

(b) Hospitals, except for food items and meals served to persons other than patients when a separate charge is made

for such food items and meals.

(c) Eating and drinking places located on board common cariers (when operated as such) including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual), which sells food items or meals on a non-profit or cost basis or as near thereto as reasonable accounting methods will permit, and substantially all sales of which are made to students, faculty members and employees of such institution. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy shall be considered students.

(e) Bona fide private clubs insofar as such clubs sell only to members and bona fide guests of members. If such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking place within the meaning of this regulation. No club shall be considered to be exempt as a private club within the meaning of this paragraph unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and it otherwise is operated as a private club.

No club organized after the effective date of this regulation shall be exempt unless and until it has filed a request for exemption with the nearest State or District Office of the Office of Price Administration, furnishing such information as may be required, and has received communications from such office authorizing exemption as a private club.

SEC. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment is operating under such hardship as to cause a sub-

stantial threat to the continuance of its operation.

- (2) It is determined with reasonable certainty that such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distances, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed

adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your OPA District Office a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch' and dinner), number of persons served per day during the most recent thirty-day period, and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you

discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

(7) Together with such other and further information as the District Di-

rector may deem necessary.

(c) Applications for adjustment under this section shall be acted upon by the Director of the Fort Worth District Office.

Sec. 20. Definitions and explanations.

(a) "Person" means individual, corporation, partnership, association or other organized group of persons or legal successor or representative of any of the foregoing, and including the United States or any agency thereof, any other Government, any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: Ham and eggs, bread and butter, apple pie and cheese.

cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. (Mere heating, cooling, seasoning or mixing with other food items does not constitute preparation.) It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food item" means a food item (excluding beverages) not generally offered for sale throughout the year and normally available in quantity only during certain seasonal production periods · of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon; certain fresh vegetables such as summer squash; certain fresh fruits such as berries and melons. Canned and quick-frozen foods are not seasonal items, nor are meats derived from domestic animals and fowl.

The terms "generally offered for sale" and "normally available" refer to practices and conditions prevailing prior to the entry of the United States into the present war.

(f) "Beverages" means all beverages not excepted by the terms of section 15 hereof.

(g) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

(h) Two meals may be considered the same only if they consist of identical combinations of food items and belong to the same class of meal; classes of meals are set forth in section 21 hereof.

Sec. 21. Classes of food items and meals. (See definitions of "Food Item" and "Meal" contained in section 18.)

(a) The classes of food items.

BREAKFAST ITEMS

- 1. Fruits, fruit juices and vegetable juices.
- Cereals. 3. Entrees; egg and combination egg dishes
- served at breakfast.
- Entrees; meat and meat combination dishes served at breakfast. 5. Entrees; all other dishes served at break-
- 6. Breads, rolls, buns, Danish-pastries, etc.,
- served at breakfast. All other breakfast dishes including jams, jellies and preserves.

OTHER ITEMS

- 8. Appetizers, except alcoholic cocktails.
- 9. Soups, including soups in jelly.
- 10. Beef; steaks and roasts.
- 11. Veal; steaks, chops and roasts.
- 12. Pork; Ioin, chops, steaks, and roasts.13. Lamb or Mutton; chops, roasts.
- 14. Poultry and fowl.
- 15. Fish and shell-fish.
- 16. Game.
- 17. Miscellaneous and variety meats, including liver and kidneys.
- 18. Prepared dishes such as stews, casseroles, ragouts, curries, etc.
- 19. Egg and cheese dishes and combinations thereof.
- 20. All other dishes such as spaghetti and combinations, vegetable platters, baked beans and combinations, chop suey, etc.

21. Vegetables, including potatoes.

- 22. Salads (except as cerved as a main course or appetizer cource in a meal).
- 23. Tamales, Enchilades, chili concarne and other Mexican dishes.
- 24. Desserts; cakes, cookies, ples, pastries and
- other baked goods.
 25. Desserts; Ice creams, sherbets, water ices. including combinations with syrups, creams, fruits and nuts.
- 25a. Desserts: scasonal deccert specialties such as watermelon and cantaloupe.
- 26. Desserts; all others, including fruits, puddings and cheese.
- 27. Cold sandwiches, including garnishings, salads and vegetables,
- 28. Hot sandwiches, including garnishings, salads and vegetables.
- All other food items cerved in a meal including mints and preserves.
- 30. Beverage foods, including coffee, cocoa, chocolate, tea, and milk.

BEVERAGES

- 31. Non-alcoholic beverages, including spar-
- kling and mineral water.
 32. Wines, including sparkling wines.

(b) The classes of meals. For the purpose of this regulation there shall be thirteen classes of meals; namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch; tea. dinner and supper on Sundays, children's breakfast, lunch and dinner.

Sec. 22. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals offered by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

Sec. 23. Licensing. The provisions of Licensing Order No. 1 of the Office of Price Administration, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 24. Revocation and amendment. (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provisions of this regulation (including a petition pursuant to Supplementary Order 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

This regulation shall become effective April 1, 1944.

Note: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9323, 8 F.R. 4681, Gen. Order No. 50, 8 F.R. 4808)

Issued this 1st day of April 1944.

J. BRYAN MILLER. Acting District Director.

[F. R. Doc. 44-11267; Filed, July 23, 1944; 11:49 a. m.]

PART 1305-ADMINISTRATION

[Gen. RO 3, Amdt. 9]

RATION EANKING: EANES

A rationale accompanying this amendment, issued simultaneously herewith. has been filed with the Division of the Federal Register.*

Section 1305.411 (c) (6) of General Ration Order No. 3 is revoked.

This amendment shall become effective August 1, 1944.

(Pub. Laws 421, 507, and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R.

Issued this 28th day of July 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-11261; Filed, July 23, 1944; 11:47 a. m.]

> Part 1305—Administration [Gen. RO 7,2 Amdt. 10]

METHOD OF SURRENDER AND DEPOSIT OF RATION STALIPS AND COUPONS

A rationale accompanying this amendment, issued simultaneously herewith. has been filed with the Division of the Federal Register.*

General Ration Order No. 7 is amended in the following respect:

Section 1.6 (a) (2) of General Ration Order No. 7 is revoked and section 1.6 (a) (3) is redesignated section 1.6 (a)

This amendment shall become effective August 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9334, 8 F.R. 5423; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. War Food Order No. 56, 8 F.R. 2005; War Food Order No. 58, 8 F.R. 2251; War Food Order No. 59, 8 F.R. 3471; War Food Order No. 61, 8 F.R. 3471; War Food Order No. 64, 8 F.R. 7033)

Issued this 28th day of July 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-11262; Filed, July 23, 1944; 11:47 a. m.]

^{*}Copies may be obtained from the Office of Price Administration.

¹⁸ P.R. 865, 2858, 4627, 9496, 12611, 9 P.R.

^{#8} F.R. 2853, 2937, 4840, 6365, 11733, 16279, 16339; 9 F.R. 2287, 5216, 7704.

PART 1360-MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[RO 2C]

USED PASSENGER AUTOMOBILES IN THE TERRITORY OF HAWAII

Preamble: Used passenger automobiles have become a critical commodity in the Territory of Hawaii. Public transportation is overcrowded and in many instances inadequate. Only a limited number of cars were available for resale in the Territory when the production of new passenger automobiles was stopped by the War Production Board, and there is no possible source through which present depleted inventories can be replenished. As a result, many people in highly essential occupations in the Territory are unable to find adequate transportation. The purpose of this order is to provide adequate transportation for these people.

RATION ORDER 2C-USED PASSENGER AUTOMO-BILES IN THE TERRITORY OF HAWAII

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- 7.4 This order governs the transfer, registration, and use of all rationed used cars.
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ARTICLE VIII—DEFINITIONS

8.1 Meaning of words used.

AUTHORITY: Secs. 1.1 to 7.6. inclusive (§ 1360.551), issued under Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1Q, 7 F.R. 9121, General Order 48, 8 F.R. 2898.

ARTICLE I-SCOPE OF ORDER

SECTION 1.1 Scope—(a) "Rationed used cars" subject to this order. "Rationed used cars" are all 1941 (driven 1,000 miles or more), 1940, 1939 and 1938 year model passenger automobiles. tioned used cars" are subject to all the provisions of this order. All other "used cars" are subject only to the provisions of sections 7.1 (Dealers' reports), 7.2 (Dealers' records) and 7.3 (Refusal to

(b) Territorial scope. The provisions of this order shall apply only in the Islands of Kauai, Maui, Oahu, Hawaii and Molokai in the Territory of Hawaii.

(c) Exempt transactions. Nothing in this order shall be construed to limit or restrict the quantity of "rationed used cars" which may be acquired by or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States.

ARTICLE II-ADMINISTRATION AND JURISDICTION

SEC. 2.1 Personnel. This order shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer this order shall have the powers and duties set forth herein, and as the Office of Price Administration may from time to time delegate.

SEC. 2.2 Jurisdiction of Boards. For the purposes of this order, each local Board shall have jurisdiction over every person applying for a "rationed used car" which is to be garaged or normally stationed in the area which the Board is designated to serve, except as otherwise provided in Article V of this order.

Sec. 2.3 Quotas. (a) The Territorial Office may from time to time set and allocate quotas fixing the maximum number of certificates for "rationed used cars" that may be issued during any stated period, and may administer, adjust and revoke such quotas.

(b) No Board shall issue a certificate for the acquisition of a "rationed used car" in excess of its quota.

(c) If a Board has before it applications from persons eligible for a "rationed used car" which in its judgment satisfy all of the conditions of this order. but which together call for the issuance of certificates in excess of its current quota, it shall, in determining which of the competing certificates are to be approved, be governed by the relative importance of the applicant's occupation to the war effort and public welfare.

ARTICLE III—PROOF OF NEED AND ELIGIBILITY

Sec. 3.1 Persons eligible for a certificate to acquire a "rationed used car". An applicant may acquire a certificate for a "rationed used car" only if he is eligible under section 3.2 and, in addition, complies with the following conditions:
(a) That he needs a car. Unless other

circumstances require a contrary conclusion, an applicant shall be considered to have established his need for use of a rationed used car if he shows, in connection with his eligible activity, any of the following:

(1) He must travel within time limits or to places for which alternative means of transportation cannot satisfactorily be used; or

(2) He is required by the nature of his occupation to transport persons, bulky or heavy tools, or materials; or

(3) His physical condition would make it a hardship for him to walk or to use alternative means of transportation; or

(4) Walking time and distance to the nearest adequate alternative means of transportation are excessive or otherwise impracticable; or

(5) The nearest available alternative means of transportation is inadequate due to schedule, overcrowding, or other reasons acceptable to the Board.

(b) An applicant shall be deemed to have established that an automobile of which he has the use is inadequate if he shows any of the following: (1) The automobile is a 1935 or earlier model; or (2) it has been driven more than 60,000 miles; or (3) it has been rendered unserviceable by fire or collision; or (4) it is not sufficiently reliable considering the nature of his services and the circumstances of its use; or (5) demands upon the applicant for the specified services or his responsibilities for rendering such services have increased to such an extent that he needs an additional automobile to render such services.

SEC. 3.2 Persons eligible for a "rationed used car". Any of the following persons, or his employer, who needs a car for his own use, for one or more of the following purposes, may acquire any "rationed used car" for use:

- (1) Government officers and employees. An agent, officer, representative or employee of a Federal, Territorial, local or foreign government or government agency, who either holds an elective office or is compensated by such government or government agency for his personal services or for travel expenses incurred in the travel for which a car is sought, for performing the official business or carrying out his official function of subject government or government agency.
- (i) Daily or periodic travel between home or lodgings and a fixed place of work shall not be deemed performance of official business or carrying out an official function.
- (2) School teachers and officials. school teacher or school official, for the performance of school duties which re-

quire travel to more than one recognized educational institution.

(3) United States mail. Any person, for the transportation of mail on behalf of the United States Government.

- (4) Wholesale newspaper and magazine distribution. Any person, for delivery, other than delivery to the reader, of newspapers and magazines; or for necessary driving in maintaining the wholesale distribution system of newspapers within a defined area.
- (5) Non-portable photographic equipment. A person who is regularly engaged in taking pictures for use in newsreels, newspapers or magazines or for industrial or governmental use, for transporting non-portable photographic or sound-on-film equipment for taking such pictures.
- (6) Physicians, surgeons, etc. A physician, surgeon, dentist, osteopath, chiropractor, or midwife, who is licensed as such by the appropriate governmental authority, for making necessary professional calls outside his office, if he regularly makes such calls, or for travel between offices maintained by him.
- (7) Veterinarians. A farm veterinary who is licensed as such by the appropriate governmental authority, for rendering professional service at agricultural establishments if he regularly renders such professional services.
- (8) Public health nurses. A public health nurse (but not including a private nurse) employed by or serving under the direction of clinic or hospital, governmental agency, industrial concern, or similar organization, for rendering necessary medical, nursing or inspection calls
- (9) Embalmers. An embalmer who is licensed as such by the appropriate governmental authority, for rendering necessary services in connection with the preparation for interment of deceased persons.
- (10) Ministers. A practicing minister of any religious faith who regularly serves a congregation, for meeting the religious needs of the locality which he regularly serves, but not to go from home to place of worship; or a practicing minister who regularly serves more than one congregation for travel to the churches which he serves.
- (11) Religious practitioners. A religious practitioner, other than a minister, who is duly authorized by an organized religious faith to render services of a religious nature to members of such faith, for rendering such services to such members in the locality which he regularly serves, but not for travel from home to place of worship.
- (12) Farmers. A farmer, for transporting farm products and necessary supplies between a farm and a wholesale or retail establishment, a public market, a shipping point, or another farm
- (13) Farm workers, fishermen, seamen, and marine workers. Any person, including an employer, employer's organization, or labor organization, for the transportation of farm workers, commercial fishermen, seamen, or marine

workers to, from or between their place of employment.

(14) Radio broadcast engineers. An engineer or technician, for travel:

(i) Between home or lodging and a radio broadcasting transmission station which, because of its power, is located in a rural or suburban area; or

(ii) Between such a station and other permanent facilities for radio broadcasting for purposes necessary to the operation of the station; or

(iii) To transport non-portable equipment to and from temporary installations for radio broadcasting.

(15) Workers in essential establishments. A worker, including an executive, technician or office worker (but excluding a person while engaged in promotional, merchandising, sales, landscaping or decorating activities, wholesale or retail delivery, and a member of the armed forces of the United States or military forces organized pursuant to section 61 of the National Defense Act, as amended), for necessary travel to, from, within or between the establishments or facilities listed below, for purposes necessary to the operation or functioning of such establishment or facilities.

(i) Naval, military or hospital establishments or facilities, or civilian public service camps established and maintained pursuant to section 5 (g) of the Selective Service and Training Act of 1940;

(ii) Establishments or facilities of common carriers or of other carriers performing services essential to the community or to the war effort; or of plants engaged in the production or distribution of light, power, electricity, gas, steam, or water; or of irrigation, drainage, flood control or sanitation systems; or of telephone, telegraph, radiotelegraph or radiotelephone (but not radio broadcasting) systems;

(iii) Industrial, extractive or agricultural establishments essential to the war effort, including: plants or establishments engaged in the extraction, production, processing, or assembling of any aircraft, motor vehicle, ship, marine equipment, armament, implement or engine of war, or necessary part thereof; or of any raw, semi-processed or finished materials, supplies or accessories necessarily used in the manufacture thereof; or of tools, machinery or appliances essential to the manufacture or use thereof; or of munitions or fuel; or of essential medical supplies or essential food or clothing.

(16) Recruiting and training workers, maintaining peaceful industrial relations. An authorized agent of government, management or labor, for travel:

(i) To recruit or train construction workers or workers listed in subparagraphs (13) or (15) of this paragraph; or

- (ii) To, from, within, or between the establishments or facilities listed in sub-paragraph (15) of this paragraph, in order to maintain peaceful industrial relations therein.
- (17) Construction workers; repair and maintenance workers; persons performing highly skilled services. An engineer,

architect, technician, construction worker, repair or maintenance man who requires the use of a car for performing, or for transporting materials or equipment necessary to perform construc-tion work; or any of the above described persons who require a car to travel from one place to another (but not from home or lodgings to a fixed place of work) for performing, or for transporting materials or equipment necessary to perform any of the following services: Installation, maintenance or repair services, the extermination of vermin, or the exploration, discovery or exploitation of natural resources for the purpose of obtaining necessary war materials; or a person who requires the use of a car to travel from place to place (but not from home or lodgings to a fixed place of work) for performing highly skilled services necessary to the operation or functioning of the establishments or facilities described in subparagraph (15) hereof: Provided, That eligibility may not be established under this paragraph to any person while engaged in promotional, merchandising or sales activities or retail or wholesale delivery, or to any person for the repair, maintenance, installation or construction of decorations or decorative equipment, or of novelty, amusement or entertainment devices (other than non-portable motion picture equipment), or of portable household equipment or furniture, or for landscaping.

(18) Members of armed forces. Members of the armed forces of the United States, or State military forces organized pursuant to section 61 of the National Defense Act, as amended, for transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business where no military vehicle is available. The applicant must present to the Board a statement from his Commanding Officer which sets forth the following:

(i) The car is needed for necessary transportation between home or lodgings and post of duty (but not for transfer from post to post), or on official business:

(ii) No adequate quarters can be provided for the applicant at his post of duty or that the applicant's duties require frequent travel on official business;

(iii) No other practicable means of transportation are available and no military vehicle can be supplied for the applicant's use; and

(iv) The Commanding Officer will take all reasonable steps to insure that the vehicle will be used for the purpose for which the application is made, and that every effort is made by the applicant to transport as many passengers as possible, consistent with the capacity of the vehicle.

(19) Telegram delivery. A person who is regularly engaged in the business of delivering telegrams, for delivering such telegrams.

(20) News reporters. By full time reporters or war correspondents employed by a press association or newspaper for necessary travel in gathering news on

regular assignment.

(21) Social workers. A full-time social worker employed by a bona fide nonprofit agency, for travel (not including travel from home or lodgings to a fixed place of work) for one or more of the following purposes: to investigate the necessity for relief or to administer relief; to arrange for the placement of minors or aged, handicapped or indigent persons in foster homes or in institutions, and to inspect such foster homes or institutions; to investigate reported abuse, neglect, or delinquency of minors; or to transport minors or aged, handicapped or indigent persons to foster homes or institutions or to transport persons to hospital or clinics for treatment or diagnosis. The applicant must present to the Board a statement from a responsible official of such social agency, setting forth that the car is needed by a full-time social worker to perform one or more of the purposes specified in this subparagraph and that the social agency employing such worker is either:

(i) Licensed by the appropriate gov-

ernmental authority; or
(ii) A member of the local Community Chest, the local Council of Social Agencies, the State Conference of Social Work, the Family Welfare Association of America, the Child Welfare League of America, or the National Travelers Aid Association; or

(iii) A bona-fide non-profit agency carrying on one or more of the purposes specified in this sub-paragraph, as evidenced by a certification of that fact by a responsible official of a social agency listed in (i) or (ii) hereof.

(22) American Red Cross. The American Red Cross or its duly authorized officials, employees, agents, or representatives, for performing the official business (daily or periodic travel between home or lodgings and a fixed place of work not included) of the American Red Cross.

(23) War Price and Rationing Board member. A member of a War Price and Rationing Board, for travel between home or lodgings and the place at which such Board conducts its business.

(24) Selective Service Board member. A member of a Selective Service Board, and Appeal Agent or a member of an Appeal Board of the Selective Service System, for travel between home or lodgings and the place at which the business of the Selective Service System is conducted.

(25) United Service Organizations. A duly authorized representative of the United Service Organizations, Inc., for travel (not including daily or periodic travel between home or lodgings and a fixed place of work) on the official business of the United Service Organizations. Inc., if the vehicle is owned or leased by the United Service Organizations, Inc., or if the representative receives compensation from USO for the vehicle used by him in such travel and for his personal services.

(26) Taxicabs and rental cars. Any person who has secured the permission of the Office of Defense Transportation to enter into the taxicab or rental business, to add an additional taxicab or rental car to his fleet or who desires to replace a taxicab or rental car which he owns and operates under the authority of the Office of Defense Transportation, for the purpose of operating such car as a taxicab or rental car; provided he does not have any reserve vehicles, which are not in use and can be

ARTICLE IV-APPLICATIONS, CERTIFICATES AND CLEARANCE STATEMENTS AT LOCAL BOARDS

Sec. 4.1 Where and how to apply for a ration certificate. Application for a certificate to acquire a "rationed used car" shall be made either in person or by mail to the Board serving the area in which the car is to be normally stationed or garaged. A separate application must be submitted on Form THR 32 for each car sought by an applicant. The applicant must personally sign the application unless physically unable to do so. He shall also supply all the information required on the form and any other information requested by the Board.

SEC. 4.2 Issuance and use of certificates. (a) When the Board is satisfied that all requirements of this order have been met, it shall issue a certificate to the applicant on Form THR 33.

(b) Notice of the Board's action on an application shall be given at the Board's office or by mail to the applicant or his agent.

(c) A certificate may be used to acquire a "rationed used car" from any dealer or any individual owner.

(d) The Board shall date the certificate to expire thirty days after date of issuance. A certificate must be used to obtain delivery of a "rationed used car" before the expiration date of the certificate. Delivery in this order means the taking of physical possession by the certificate holder, the transfer of title to him, and the registration of the car in his name.

(e) The parts of the certificate shall be signed by the certificate holder and the seller and disposed of according to the instructions on the certificate.

Clearance Statements Issued by Boards

SEC. 4.3 Persons may obtain clearance statements to transfer their "rationed used cars" to members of their families. (a) Any person listed in this section who owns a "rationed used car" for his use may transfer it without a certificate to a member of his family (for the purpose of this section, family includes only a grandparent, parent, brother, sister, child or grandchild who is related to the applicant by blood or legal adoption, and a spouse), upon receiving a clearance statement from his Board.

(1) A member of the armed forces who is on active duty with any branch of the United States Army, Navy, Coast Guard, or Marine Corps (including their component women's organizations, such as the WACS, WAVES, SPARS and Marine Reserves), or anyone who has received a Certificate of Fitness, DSS Form 218, from a Selective Service Board.

(2) Any officer or seaman holding a certificate in the United States Merchant Marine, or any other person under the Division of Training of the War Shipping Administration who has taken his oath

of enrollment.

(3) An officer, agent, representative, or employee of the United States or of any government recognized by the United States who has been directed in the course of duty to leave the United States for a period of not less than six months.

(b) Before a person may dispose of his car under this section to any person for use, he must first clear the transaction with his Board. He shall apply for clearance on Part A of Form THR 35, submitting written proof to his Board that he is included in this section. He may apply only after he has arranged to transfer the car to a particular person. If he meets these requirements, the Board shall issue a clearance statement on Part B of Form THR 35.

Sec. 4.4 Persons who may obtain clearance to transfer their interests in a "rationed used car" to the beneficial owner. (a) A person who established that before August 1, 1944, he registered any "rationed used car" in his name for the benefit of another person may transfer any interest which he has in the car to that person upon receiving a clearance statement from his Board. A clearance statement will not be issued if the applicant has received or will receive any payment for making the trans-

(b) Before transferring his interest in the car, the applicant must first clear the transaction with his Board. He shall apply for clearance on Part A of Form THR 35. If he meets the requirements of this section, the Board shall issue a clearance statement on Part B of Form THR 35 permitting him to transfer his interest in the car to the person for whose benefit he held it and permitting that person to register the car in his name.

Sec. 4.5 A "rationed used car" owned and operated by a business may be transferred with the business. (a) A "rationed used car" owned and operated by a business or an institution may be transferred along with the entire business or institution to a person who will continue to use it in the operation of the business or institution.

(b) A person transferring a car under this section must clear the transaction with his Board. He shall apply for clearance on Part A of Form THR 35 and shall submit with his application a statement signed by the purchaser stating that the car will be used in the operation of the business or institution. If he meets the requirements of this section, the Board shall issue a clearance statement on Part B of Form THR 35.

Sec. 4.6 Persons who may obtain clearance to register "rationed used cars". The Board shall issue a clearance statement permitting the registration but not the transfer of a "rationed used car" in the following cases:

(a) Change in name of car owner. The registered owner of a "rationed used car" who has changed his name may

obtain a clearance statement.

(b) Cars acquired by will or inheritance. A person who has acquired a "rationed used car" by will or inheritance from a person who was entitled to the use of the car may obtain a clearance statement permitting him to register the car in his name.

(c) Cars acquired before ration controls. Any person who owns an unregistered "rationed used car" may obtain a clearance statement permitting the regis-

tration in his name of:

- (i) Any "rationed used car" acquired before August 1, 1944. This section does not apply to a person who was a dealer at the time he acquired the car or who is a dealer at the time application is made.
- (d) Procedure for obtaining a clearance statement. Application for a clearance statement shall be made to the applicant's Board on Part A of Form THR 35. If the applicant meets the requirements of this section, the Board shall issue a clearance statement on Part B of Form THR 35.

ARTICLE V-APPLICATIONS, CERTIFICATES AND CLEARANCE STATEMENTS AT TERRITORIAL

Sec. 5.1 Persons who file applications with the Office of Price Administration, Honolulu, T. H. (a) The following persons shall file applications for certificates directly with the Office of Price Administration, Building C, Iolani Palace, Honolulu, T. H.

(1) The American National Red Cross and agencies of the Federal Government shall apply on Form THR 32, or on any other form approved by the Office of Price Administration for this purpose. Applicants under this subparagraph are subject to the tests for proof of need and eligibility which apply to applicants generally. A certificate on Form THR 33 will be issued by the Office of Price Administration, Honolulu, T. H., if the applicant satisfies these tests.

(2) Officers, agents, and employees of the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States who require a "rationed used car" in the performance of official duties which depend upon secrecy, shall apply on Form THR 32. Applicants under this subparagraph are subject to the test for proof of need and eligibility which apply to applicants generally. A certificate on Form THR 33 will be issued by the Office of Price Administration, Honolulu, T. H., if the applicant satisfies these tests.

(3) A person requiring a car for experimental purposes, or a body builder who proposes to alter the car obtained. shall apply by letter. A certificate on Form THR 33 will be issued by the Office

of Price Administration, Honolulu, T. H., if it is satisfied that the experiment or alteration will further the war effort or the civilian economy.

(b) A certificate may be used to acquire a "rationed used car" from any

dealer or an individual owner.

(c) The Office of Price Administration shall date the certificate to expire thirty days after date of issuance. A certificate must be used to obtain delivery of a "rationed used car" before the expiration date of the certificate.

(d) The parts of the certificate shall be signed by the certificate holder and the seller and disposed of according to the instructions on the certificate.

Clearance Statements Issued by Territorial Office

Sec. 5.2 Dealers and former dealers who may obtain clearance statements for rationed used cars from the Office of Price Administration, Honolulu, T. H .-(a) Personal and business cars acquired before rationing controls. A former dealer who operated as an individual proprietorship at the time he went out of business, or a present dealer, may obtain a clearance statement permitting the registration for use of:

(i) Any "rationed used car" acquired and set aside for his use before August 1,

1944.

The transfer of any "ationed used car" from a corporation to one of its stockholders or from a partnership to one of the partners may not be granted under this section.

- (b) Where and how to apply for a clearance statement. Application for a clearance statement under this section shall be made by letter to the Office of Price Administration, Honolulu, T. H. The applicant shall give the following information:
- (i) The make, body type, serial number and engine number, and manufacturers year model of the car;

(ii) The date the car was delivered to

the applicant; and

- (iii) The date when, and the manner in which, the car was set aside for use from the cars held for sale by the applicant. In addition to meeting the above conditions, a former dealer must support his statements by written evidence and must also state whether he has a car for which a clearance statement was issued to him under this or any other automobile rationing order. No additional clearance statement may be obtained by a former dealer who, at the time he went out of business as a dealer, had a car for which he obtained a clearance statement.
- (c) When and how a clearance statement is issued. If the applicant satis-fles the requirements of this section, the Office of Price Administration, Honolulu, T. H., will issue a clearance statement on Part B of Form THR 35 permitting the registration of the car.

ARTICLE VI-OTHER PROVISIONS

Registration of "Rationed Used Cars"

Sec. 6.1 How "rationed used cars" are registered—(a) "Rationed used cars"

held for use. A person who has registered a "rationed used car" may re-reg-ister it on any island if there is no change in the designation of the registered owner. As a condition to the registration of other "rationed used cars" for use, the parson shall present to the appropriate registrar of motor vehicles a ration certificate or a clearance state-ment issued for the car sought to be registered.

(b) "Rationed used cars" held for resale. The Territorial Director may authorize the registration of title to "rationed used cars" held for resale without a clearance statement or ration certificate on any island whose law requires such registration. If the Territorial Director has authorized such registration, any person holding a "rationed used car" on the island for resale may register its title. However, no person shall register a "rationed used car" for use, except as provided in paragraph (a) of this section.

Use of "Rationed Used Cars" Held for Resale by Dealers

Sec. 6.2 "Rationed used cars' held for resale may be used by a dealer. Any "rationed used car" held for resale may be used by a dealer (or his employee) for demonstration purposes, Provided, Such use was his regular practice before August 1, 1944.

Transfers Permitted Without **Certificates**

Sec. 6.3 Transfers of "rationed used cars" held for use permitted without certificates or clearance statements. (a) A person may lease, loan or borrow a "rationed used car" for a period of thirty days or less if the car is operated and registered for use. The purpose of this paragraph is to permit the occasional use of a "rationed used car" for a short time, and does not permit the regular use of a "rationed used car" through a chain of transactions.

(b) A person regularly engaged in the taxicab rental business may lease a "rationed used car" for use as a taxicab to a taxi driver, if the car may be lawfully

operated as a taxicab.

(c) A person may acquire for use a "rationed used car" by inheritance from one who was entitled to the use of such

(d) A member of the owner's household may use his "rationed used car" with the owner's permission.

(e) A person may reacquire a "rationed used car" which has been faken or withheld from his possession.

- (f) A "rationed used car" may be transferred to or from a common or contract carrier in the course of any shipment not restricted by this order; it may be transferred to a public warehouse for storage; and it may be returned to the person from whom it was received.
- (g) A "rationed used car" may be transferred to or from a repair shop or a garage for repair or storage.
- (h) The lessor of a "rationed used car" may reacquire it at the termination of a lease.

Sec. 6.4 Transfers of "rationed used cars" held for resale permitted without certificates or clearance statements—(a) Transfers for resale. Any of the following persons may acquire for resale a "rationed used car" or an interest in such car without a certificate, but may not use the car or register it for use unless he is permitted to do so by other provisions of this order.

A dealer, distributor, or manufacturer of automobiles;

(2) The United States, any state, or any political subdivision or agency of either, in the exercise of governmental rights or power against the "rationed used car";

(3) A person who is engaged in the business of buying and salvaging damaged goods or adjusting losses may acquire a "rationed used car" which is in danger of being damaged, or which is part of a damaged stock;

(4) A common or contract carrier, a public warehouse or an insurance company, as a result of the settlement of a claim;

- (5) Any person who creates, acquires, transfers, or satisfies a security interest in a "rationed used car"; or who acquires a car in satisfaction of a security interest:
 - (6) A junk or salvage company.
- (b) Transfers for scrap or salvage of parts. A dealer, junk company, or salvage company may acquire without a certificate a rationed used car' for purposes of scrap or salvage of parts only if it is in such condition that its repair is not practicable.

ARTICLE VII—DEALER REPORTS AND RECORDS; PROHIBITIONS AND PENALTIES; APPEALS

SEC. 7.1 Dealers' reports. A dealer shall furnish a monthly report (Form THR 34) of used car sales, purchases and stocks to the Office of Price Administration, Rationing Division, Honolulu, T. H., by the fifth of the following month.

SEC. 7.2 Dealers' records. A dealer shall keep a file for the duration of the automobile rationing program and six months thereafter, containing the original or duplicate of the following:

(a) Any permit or part of a certificate which has been presented to him by a person to whom he has transferred a "rationed used car".

(b) Any Office of Price Administration clearance statement or authorization issued to him for any "rationed used car" in his possession.

(c) Any other inventory report required to be made to the Office of Price Administration.

(d) An invoice or other documentary evidence of every transfer of a "rationed used car".

SEC. 7.3 Refusal to sell a rationed car. (a) Any dealer refusing to transfer a car rationed under this order to a certificate holder (except a certificate holder who is legally incapable of entering into a contract) who presents a certificate authorizing the holder to purchase a car and who tenders the maximum price in cash or by certified check, or who offers to sign the security in-

struments and has the financial qualifications customarily required of a purchaser, may be prohibited as provided in paragraph (b), from acquiring for resale, and from transferring, except to a dealer, any "used car" or any car rationed under Ration Order 2A. A dealer under this section includes a person who at any time after August 1, 1944, has been regularly engaged in the business of selling passenger automobiles to the public. This section shall not apply to a car registered for use by a dealer; to a 1942 car acquired and set aside before August 1, 1944, by the dealer for his use, even if a clearance statement has not been issued for this car under Ration Order 2A; to a 1942 demonstrator car set aside and used before August 1, 1944 by the dealer or his employee for the purpose of demonstrating it to prospective customers; to any "rationed used car" for which he has obtained clearance statement; or to a car which the dealer has sold or contracted to sell to a person who has delivered a certificate to The term "maximum price", as used herein, means the maximum price established by the Office of Price Administration.

(b) An order of a special hearing officer issued pursuant to paragraph (a) shall be made after a hearing under the following procedure:

Notice of date, time, place and purpose of the hearing, and a specification of the circumstances surrounding the dealer's refusal to sell a "rationed used car" shall be given to the dealer (hereinafter called the respondent) at least three days before the date set for the hearing. The hearing shall be held on the Island where the respondent is, or at any time subsequent to August 1, 1944, has been reg-ularly engaged in the business of selling passenger automobiles to the public. The hearing shall be conducted by a special hearing officer who shall be either the Territorial Director or an officer or employee of the Office of Price Administration designated by such Territorial Director as a special hearing officer. The special hearing officer shall administer oaths and affirmations and rule on the admission or exclusion of evidence. The hearing shall be conducted in a manner to permit the respondent to present evidence and argument to the fullest extent compatible with a fair and expeditious determination of the issues raised in the hearing. To that end:

(i) The respondent shall have the right to be represented by counsel of his own choosing;

(ii) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(iii) The special hearing officer, having due regard to the need for expeditious decision, shall afford reasonable opportunity for cross-examining witnesses;

(iv) A stenographic report of all testimony shall be taken. The report need not be transcribed if the transcription is waived by the respondent. If the report is transcribed, a copy shall be available for inspection during business hours at the Office of the Territorial Director.

(2) If the respondent admits the charges or fails to appear at the hearing, or if, after the hearing, the special hearing officer finds that the respondent has refused to transfer a "rationed used car" to a certificate holder who satisfied the requirements of paragraph (a), an order prohibiting the respondent from acquiring for resale, or from transferring, except to a dealer, any car rationed under this ration order or under Ration Order 2A may be made and issued by the special hearing officer. Such order shall remain in effect for such period of time as the special hearing officer deems advisable.

(i) If a respondent against whom an order has been issued after failure to appear at the hearing, shows within thirty (30) days from the effective date of the order, good cause for his failure to appear, the special hearing officer may set aside or stay such order and grant the respondent a full hearing on the charges made.

(ii) A copy of the order shall be served promptly on the respondent personally or by mail directed to his last known address.

(iii) The order shall be effective at the time it is personally served, or if served by mail, three (3) days after the date of mailing.

(c) A respondent against whom an order has been issued by a special hearing officer pursuant to the provisions of paragraph (b) may, within fifteen (15) days of the effective date of the order, appeal by filing a notice of appeal from the order and a statement of objections with the Territorial Director. The Territorial Director, shall, within three (3) days after receipt of the notice of the appeal, send the complete record in the case to the Regional Administrator of Region IX. The Regional Administrator may affirm, reverse, or modify the order of the special hearing officer on the basis of the record before him, or direct that further hearings be held. A copy of the Regional Administrator's order shall be served promptly on the respondent personally, or by mail directed to his last known address.

(d) Notwithstanding any provision of this section a dealer who acquired any car rationed under this order after August 1, 1944 must transfer such car to a certificate holder (except a certificate holder who is legally incapable of entering into a contract) who presents a certificate authorizing the holder to purchase a "rationed used car" and who tenders the maximum price in cash or by certified check, or who offers to sign the security instruments and has the financial qualifications customarily required of a purchaser. A dealer's refusal to transfer a rationed used car as required by this paragraph shall be a violation of this order..

SEC. 7.4 This order governs the transfer, registration, and use of all rationed used cars. No person shall transfer or acquire (or offer to transfer or acquire) a "rationed used car", or shall register or use or permit the use of a "rationed used car" except as permitted by the provisions of this order. These provisions apply regardless of any conflicting private agreement or obligation.

- SEC. 7.5 Other prohibited acts and penalties. (a) General Ration Order 8 contains provisions, applicable to all ration orders, which prohibit, among other matters:
- (1) Making false or misleading statements in a ration document or to the Office of Price Administration;
- (2) Altering, defacing, mutilating, or destroying a ration document;
- (3) Forging or counterfeiting a ration
- (4)- Acquiring, using, transferring, or possessing a forged, counterfeited, altered, defaced, or mutilated ration document;
- (5) Wrongfully withholding a ration document;
- (6) Transferring a rationed commodity in exchange for an invalid or improperly acquired ration document;

(7) Bribing, hindering, or interfering with rationing officials:

(8) Attempting to do any act in violation of a ration order, directly or indirectly, or to aid or encourage another to do so.

Sec. 7.6 Appeals. An applicant may appeal from an adverse decision of a Board in accordance with the procedure set forth in Procedural Regulation No. 9, issued by the Office of Price Administration.

ARTICLE VIII—DEFINITIONS

SEC. 8.1 Meaning of words used. (a) "Acquire" means to accept a transfer.

(b) "Agency of the Federal Government" includes any corporation wholly owned by the Federal Government.

(c) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

- (d) "Dealer" means a person engaged, in whole or in part, in the business of buying, selling, repairing and reconditioning used cars and who maintains a place of business for the display, sale, repairing and reconditioning of such cars. A person who cannot qualify as a dealer because he does not maintain a place for repairing and reconditioning may be approved in writing as a dealer under this regulation by the Office of Price Administration, Honolulu, T. H., if he provides adequate evidence to that office that he has established, and is in a financial position to maintain a working arrangement with a reputable business engaged in the repair and reconditioning of used cars.
- (e) "Deliver" means the taking of physical possession by the certificate holder, the transfer of title to him, and the registration of the car in his name.
- (f) "Person" means an individual, partnership, corporation, association, government, government unit or subdivision, or any other organized group or
- (g) "Register" means the original recording of title to a "rationed used car" with a government agency which handles this registration of automobiles. "Register" is also used to mean:

- (1) A change in the designation of the registered owner of a "rationed used car"; or
- (2) The obtaining of license plates (not including dealers' plates) for a "rationed used car" held for purposes of sale or other transfer.

(h) "Rental car" means any "rationed used car" seating less than ten persons, including the driver, which is available for hire without the services of a driver and is driven by the lessee (or his em-

ployee, representative, or agent).
(i) "Transfer" means sale, lease, loan, trade, exchange, gift, shipment, or any change in possession, control, right, title

or interest.

(j) "Use", when the term is used in connection with a car, means the lawful

operation of the car.

(k) "Used car" means a passenger automobile of any model year having a seating capacity of not more than ten persons (or the chassis of such an automobile) but not including an ambulance, hearse, station wagon or a vehicle designed and built for the armed forces.

Effective date. This ration order shall become effective August 1, 1944.

Note: The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

Issued this 28th day of July 1944.

MELVIN C. ROBBINS, Territorial Director, Territory of Hawaii.

Approved:

GERALD A. BARRETT. Acting Regional Administrator, Region IX.

[F. R. Doc. 44-11263; Filed, July 28, 1944; 11:48 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

> [Rev. RO 13,1 Amdt. 49] PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 4.6 (b) is amended to read as

(b) Amount of maximum allowable inventory. (1) A wholesaler's maximum allowable inventory for each reporting period before September 3, 1944 is computed in the following way:

(i) The point value of his transfers of processed foods during the first three of the four preceding reporting periods is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establish-

*Copies may be obtained from the Office of Price Administration.

19 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 2032, 3073, 3513, 3579, 3703, 3710, 3944, 3347, 4026, 4351, 4475, 4604, 4818, 4870, 5074.

ments, must not be included in this computation.);

(ii) That figure is divided by three to arrive at an average for the three periods:

(iii) The result is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question in a supplement to this order.

(2) A wholesaler's maximum allowable inventory for each reporting period beginning on or after September 3, 1944 is computed in the following way:

(i) The point value of his transfers of processed foods during the first four reporting periods of 1944 (listed in Appendix B to this order) is determined. (Exchanges and returns of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation.):

(ii) That figure is divided by four to arrive at an average for the four periods;

(iii) The result is multiplied by a factor which the Office of Price Administration will fix for the reporting period in question in a supplement to this order.

This amendment shall become effective August 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E. O. 9125, 7 F. R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319, and War Food Order No. 53, 8 F.R. 2251, 9 F.R. 4319)

Issued this 28th day of July 1944.

JAMES G. ROGERS, Jr. Acting Administrator.

[F. R. Doc. 44-11264; Filed, July 28, 1944; 11:48 a. m.)

PART 1407-RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13 1, Amdt. 22 to 2d Rev. Supp. 1]

PROCESSED FOODS

Second Revised Supplement 1 to Revised Ration Order 13 is amended in the following respects:

- 1. Section 1407.1102 (c) (10) is added to read as follows:
- (10) For the reporting period beginning September 3, 1944 and ending September 30, 1944—4.5.
- 2. Section 1407.1102 (c) (11) is added to read as follows:
- (11) For the reporting period beginning October 1, 1944 and ending October 28, 1944—4.5.

This amendment shall become effective August 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005.

^{*9} F.R. 173, 908, 1181, 2091, 2290, 2553, 2330, 2947, 3530, 3707, 4542, 4605, 4607.

9 F.R. 4319, and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 28th day of July 1944. James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-11265; Filed, July 28, 1944; 11:48 a. m.]

PART 1407-RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,1 Amut. 23 to 2d Rev. Supp. 1] PROCESSED FOODS

Section 1407.1102 (e) (6) is added to read as follows:

(6) B5, C5, D5, E5 and F5 are valid beginning August 1, 1944.

This amendment shall become effective August 1, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4319; and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 28th day of July 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-11266; Filed, July 28, 1944; 11:48 a. m.l

Chapter XIII-Petroleum Administration for War

[PAO 15, as Amended July 27, 1944]

PART 1570-MATERIAL CONSERVATION-PIPE LINES, TERMINALS AND REFINING

PETROLEUM FOR MILITARY AND OTHER ESSENTIAL USES

The fulfillment of the requirements for the defense of the United States has created a shortage of materials necessary for the transportation and refining of petroleum for defense, for private account, and for export; and the following order is deemed necessary in the public interest, to promote the national defense, and to provide adequate supplies of petroleum for military and other essential purposes.

§ 1570.1 Petroleum Administrative Order No. 15, as amended July 27, 1944— § 1570.1 Petroleum (a) Scope of this order. The provisions of this order shall be applicable to the use of material in "Petroleum gathering and movement" and "Refining" operations in the United States, its territories or possessions. This order does not apply to tank cars, tank trucks or railroad rolling stock, to tankers, barges or other

mobile marine equipment.

(b) Definitions. (1) "Petroleum gathering and movement" (defined as "Transportation" in Preference Rating Order P-98-b) means any operation directly incident to the transportation, movement, loading or unloading of petroleum other than natural gas.

- (2) "Refining" means any operation directly incident to the processing, reprocessing, or alteration of petroleum, including but not limited to compounding or blending, but not including the extraction or recovery of natural gasoline or associated hydrocarbons.
- (3) "Maintenance and repair" means (without regard to accounting practice):
- (i) The upkeep of any structure, equipment or material in a sound working condition or the restoration or fixing of any structure, equipment, or material which has broken down or is worn out, damaged or destroyed.
- (ii) Any other use of material not exceeding in material cost \$500 for any one complete operation which has not been subdivided for the purpose of coming within this definition.
- (4) "Operating supplies" means any material other than material used for maintenance and repair which is essential to and consumed in "Petroleum gathering and movement" or "Refining" and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense, including among other items chemicals, additives, or blending agents.
- (5) "Laboratory equipment" means material or equipment used exclusively for the purpose of controlling, or investigating more effective methods of conducting, petroleum industry operations by means of research, technical, or con-This material or trol laboratories. equipment shall not, however, include material for use in the construction of laboratory buildings or other structures.

(6) "Material" means any commodity, equipment, accessory, part, assem-

bly, or product of any kind.

(c) Restrictions on use of material. No material may be used in "Petroleum gathering and movement" or in "Refining" unless permission to use material is granted by provisions of this order which follow below.

(d) Permitted uses of material. Material may be used in "Petroleum gathering and movement" or in "Refining":

- (1) For maintenance and repair purposes, as operating supplies or for laboratory equipment or its installation, notwithstanding any other provision of this paragraph (d).
- (2) For the construction, installation, or extension of (or any other similar use of material in connection with) a crude oil gathering line from the first valve on the discharge side of the lease or field shipping tank or battery where petroleum is first gauged to any other "Petroleum gathering and movement" facility or any "Refining" facility, if:
- (i) The material cost for any one complete operation is \$10,000 or less; and
- (ii) The line does not duplicate in whole or in part the transportation functions of any existing line or lines.
- (3) For any other construction, expansion, extension, improvement, installation, reconstruction, remodeling or other similar operation in "Petroleum gathering and movement" (which operation does not include any use of material in connection with a crude oil gath-

ering line) or in "refining", if the material cost for any one complete operation is \$10,000 or less.

- (e) Special restrictions on use of material in crude oil gathering lines. In no instance may material be used to connect a crude oil gathering line to any well or wells directly or indirectly unless such well or wells were spudded prior to December 23, 1941, or were drilled and completed in conformity with Conservation Order M-68, Petroleum Administrative Order No. 11, or any amendment, supplement or exception to either of such orders.
- (f) Application for authorization to use material. Where a person wants to use material in "Petroleum gathering and movement" or "Refining" but cannot do so because of the preceding provisions of this order, he must make application for both authorization to use the material and for necessary priorities assistance by filing PAW Form 30.

Six copies of this form should be prepared. One copy should be retained by the applicant and the original and three copies together with supporting attachments should be sent to the Petroleum Administration for War, Interior Building, Washington 25, D. C. The other copy with attachments should be sent to the District Office of the Petroleum Administration for War for the District in which the work will be done (see Schedule "A").

Any communications in connection with PAW Form 30 for "Petroleum gathering and movement" or for "Refining" should be submitted in accordance with these instructions, Ref: PAO-15.

(g) Violations. Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifles records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appro-

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; Directive No. 30 of the War Production Board, 8 F.R. 11559; sec. 2 (a). Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of July 1944.

RALPH K. DAVIES. Deputy Petroleum Administrator for War.

SCHEDULE A-INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

District 1. (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia) Direct communications to Petroleum Administration for War; 1104 Chanin Building, 122 East 42nd Street; New York 17, New York. 1 Ref: PAO-15.

District 2. (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas,

¹9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 4642, 4605, 4607, 4883.

Nebraska, South Dakota, North Dakota) Direct communications to Petroleum Administration for War; 1200 Blum Building; 624 South Michigan Avenue; Chicago 5, Illinois (or) 415 Beacon Building; 406 South Boulder Avenue, Tulsa 3, Oklahoma. Ref: PAO-15.

Avenue, Tulsa 3, Oklahoma. Ref: PAO-15.

District 3. (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico) Direct communications to Petroleum Administration for War; 245 Mellie Esperson Building; Houston 1, Texas. Ref: PAO-15.

District 4. (Montana, Wyoming, Colorado, Utah, Idaho) Direct communications to Petroleum Admin³stration for War; 320 First National Bank Building; Denver 2, Colorado. Ref: PAO-15.

District 5. (Arizona, California, Nevada, Oregon, Washington, Territories of Alaska or Hawaii) Direct communications to Petroleum Administration for War; 855 Subway Terminal Building; Los Angeles 13, California. Ref: PAO-15.

[F. R., Doc. 44-11232; Filed, July 28, 1944; 10:44 a. m.]

. TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

PART 8-SHIP RADIO SERVICE

STANDARDS OF GOOD ENGINEERING PRACTICE FOR SHIP STATIONS

The Commission on July 25, 1944, effective immediately, deleted Standards of Good Engineering Practice for Ship Stations (4 F.R. 3474; 47 CFR, Cum. Supp., App. A to Part 8).

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 44-11243; Filed, July 28, 1944; 10:50 a. m.]

TITLE 50-WILDLIFE

Chapter I-Fish and Wildlife Service

PART 1—REGULATIONS AND ORDERS RELAT-ING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

KILLING CERTAIN INJURIOUS MIGRATORY
BIRDS

There is hereby rescinded the orders of the Secretary of the Interior, dated February 13, 1942 (7 F.R. 1651, 1652), permitting the killing of certain depredating migratory birds, issued under the authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), and in accordance with regulation 10 of the Migratory Bird Treaty Act Regulations approved by Proclamation No. 2345 of August 11, 1939 (4 F.R. 3621), as amended by Proclamation No. 2367 of September 28, 1939 (4 F.R. 4107), and Proclamation No. 2420 of August 9, 1940 (5 F.R. 2813).

ABE FORTAS,
Acting Secretary of the Interior.

[F. R. Doc. 44-11216; Filed, July 27, 1944; 12:24 p. m.]

No. 151—6

JULY 24, 1944.

Chapter IV—Office of the Coordinator of Fisheries

[Order 1925, Amdt. 2]

PART 401—PRODUCTION OF FISHERY COM-MODITIES OR PRODUCTS

SALMON CANNING INDUSTRY IN ALASKA

Order No. 1925 of the Secretary of the Interior, dated March 1, 1944, (9 F.R. 2495) is hereby amended.

The text of § 401.1 (c) is amended to read as follows:

§ 401.1 Salmon canning industry in the Territory of Alaska.

(c) Salmon canning for commercial purposes prohibited in the Territory of Alaska except as herein provided. No person shall engage in canning salmon for commercial purposes in the Territory of Alaska, including all coastal and tributary waters thereof over which the United States has jurisdiction, after the effective date of this order and prior to January 1, 1945, unless specifically authorized by this order or by the order of the Fishery Coordinator, and upon compliance with such directives, orders, and regulations as he may from time to time prescribe. Prior to engaging in canning operations all persons, companies, and corporations authorized to operate under Schedule A of this order shall obtain from the Fishery Coordinator a salmon canning license which shall be posted in the office of the operating establishment throughout the canning season. No person named in Schedule A, unless otherwise ordered by the Fishery Coordinator, shall operate, either singly or in conjunction with any other person, in the nucleus plant so assigned to such person or persons any lines not installed on or before July 1, 1944, nor employ more persons, either nonresidents or residents, than are authorized under the War Manpower Commission labor ceiling stated in Schedule A below opposite the name of the operator and in the terms of said operator's license.

Schedule A in paragraph (c) of § 401.1 is amended as follows:

Under Western District, in the District and Company column the entry "P. E. Harris & Co." is amended to read "P. E. Harris & Co., Douglas Fisheries, Inc."

Under Eastern District, delete the entry "Douglas Fisheries, Inc." in the District and Company column and related entries on the same line in other columns.

Under Icy Strait District, delete the entry in the District and Company column "Cape Cross Salmon Company, Burnett Inlet Salmon Co." and related entries on the same lines in other columns.

An additional nucleus plant is listed immediately below "Haines Packing Company" as follows:

Insert in the District and Company column "Cape Cross Salmon Co." and in the Plants Operating column "Pelican City"; in the W. M. C. Labor Ceilings column, non-resident "19", residents "12".

Another additional nucleus plant is listed immediately after the one referred to above, as follows: Insert in the District and Company column "Grindall Fisheries, Inc."; in the Plants Operating column "Elfin Cove (floater)"; in the W. M. C. Labor Ceilings column, non-residents "16", residents "14".

Under Kodiak-Apognak District, delete from the District and Company column the words "Alaska Red Salmon Packers" and from the Plants Closed column the name "Carmel" on the same line.

An additional nucleus plant is listed immediately below "Parks Canning Company" as follows: Insert in the District and Company column "Alaska Red Salmon Packers" and in the Plants Operating column "Carmel"; in the W. M. C. Labor Ceilings columns, non-resident "13", residents "15".

Throughout Schedule A, delete the column headed "Number of Lines" and all the entries therein.

Issued this 25th day of July 1944.

Harold L. Ickes, Secretary.

[F. R. Doc. 42-11212; Filed, July 27, 1944; 12:24 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

Indians of Hydaeueg, Alaska

"NOTICE OF HEARING ON PETITION

In the matter of the petition of the Indians of Hydaburg, pursuant to the provisions of § 201.21b of the Regulations for Protection of the Commercial Fisheries of Alaska, 1944, for a hearing upon the claims of the said Indians.

Notice is hereby given that a hearing in the above-described proceeding is assigned to be held on September 15, 1944, at 11 a. m., in the Federal School House at Hydaburg, Alaska, and that pursuant to the provisions of § 201.21b of the Regulations for Protection of the Commercial Fisheries of Alaska, 1944 (8 FR. 2390), promulgated by the Department of the Interior, any interested parties desiring to appear in opposition to such claim shall have an opportunity to be heard.

In the aforesaid petition the Indians of Hydaburg assert a present claim to the exclusive use and occupancy of lands and waters described as follows:

- 1. The western shore of Prince of Wales Island from Waterfall to Cape Gnacon; the eastern shore of Dall Island from Cape Muzon to the northern end of said island; the western shore thereof from the northernmost point thereof to Cape Lockout; the shores of Forrester Island and of all the Islands lying between Prince of Wales Island and Dall Island;
- 2. The waters and submerged land for a distance of three thousand (3,000) feet from said chores;
- 3. The lakes and the streams emptying into said waters; and
 4. The unpatented lands drained thereby.
 - 4. The unpatented lands drained thereby

Dated Washington, D. C., July 26, 1944. OSCAR L. CHAPMAN,

Assistant Secretary. [F. R. Doc. 44-11213; Filed, July 27, 1944; 12:24 p. m.] INDIANS OF KAKE, ALASKA

NOTICE OF HEARING ON PETITION

In the matter of the petition of the Indians of Kake, pursuant to the provisions of § 201.21b of the Regulations for Protection of the Commercial Fisheries of Alaska, 1944, for a hearing upon the claims of the said Indians.

Notice is hereby given that a hearing in the above-described proceeding is assigned to be held on September 25, 1944, at 11 a. m., in the Federal School House at Kake, Alaska, and that pursuant to the provisions of § 201.21b of the Regulations for Protection of the Commercial Fisheries of Alaska, 1944 (8 F.R. 2890), promulgated by the Department of the Interior, any interested parties desiring to appear in opposition to such claim shall have an opportunity to be heard.

In the aforesaid petition the Indians of Kake assert:

- I. A present claim to the exclusive use and occupancy of lands and waters described as follows:
- 1. The northern shore of Kupereanof Island from Boulder Point to Cape Bendel, and the western shore from Cape Bendel to Sumner Strait including Hound Island and other adjacent islands, Turnabout Island off the northern shore of Kupereanof Island; the eastern shore of Kuiu Island from the southern end of Alvin Bay to Cornwallis Point in-cluding Keku Islets, Pup Island, Monte Carlo Island, Conclusion Island, Sumner Island, Strait Island and other adjacent islands; and the western shore from Cornwallis Point to the northern end of Port Malmesbury including Windfall Island and other adjacent islands; the southeastern shore of Admiralty Island from Point Brightman to Gambier Island including Elliott Island and other adjacent Islands; the eastern shore of Baranof Island from (and including) Red Bluff Bay to (and including) Cape Ommaney; and the shores of Farragut Bay on the mainland of Alaska.
- 2. The waters and submerged lands for a distance of three thousand (3,000) feet from said shores;
- 3. The lakes and the streams emptying into said waters; and
 4. The unpatented lands drained thereby
- 4. The unpatented lands drained thereby to a distance of three miles upland from the main high-water mark.
- II. A present claim to the use in common with other bands of the Thlingit Tribe of lands and waters described as follows:
- 1. The shores of Kuiu Island south of Alvin Bay on the east and Port Malmesbury on the west; the shores of Seymore Canal on Admiralty Island, the mainland shore from Point Coke, on the north side of Holkham Bay, to Grant Point, on the south side of Farragut Bay, including the adjacent islands, the shores of Red Bay on Prince of Wales Island.
- 2. The waters and submerged lands for a distance of three thousand (3,000) feet from said shores:
- 3. The lakes and the streams emptying into said waters; and
- 4. The unpatented lands drained thereby to a distance of three miles upland from the main high-water mark.

Dated Washington, D. C., July 26, 1944.
OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 44-11214; Filed, July 27, 1944; 12:24 p. m.]

Indians of Klawock, Alaska notice of hearing on petition

In the matter of the petition of the Indians of Klawock, pursuant to the provisions of § 201.21b of the Regulations for Protection of the Commercial Fisheries of Alaska, 1944, for a hearing upon the claims of the said Indians.

Notice is hereby given that a hearing in the above-described proceeding is assigned to be held on September 20, 1944, at 11 a. m., in the Federal School House at Klawock, Alaska, and that pursuant to the provisions of § 201.21b of the Regulations for Protection of the Commercial Fisheries of Alaska, 1944 (8 F.R. 2890), promulgated by the Department of the Interior, any interested parties desiring to appear in opposition to such claim shall have an opportunity to be heard.

In the aforesaid petition the Indians of Klawock-assert a present claim to the exclusive use and occupancy of lands and waters described as follows:

- 1. The western shore of Prince of Wales Island from Point Baker on the north to Waterfall on the south; the shores of all Islands to the seaward including Baker Island, Suemez Island, and Kulu Island south of Point Ellis on the west shore and south of Three Mile Arm on the east shore; and the names of the larger islands in this area are Baker Island, Suemez Island, San Fernando Island, Lulu Island, Noyes Island, St. Joseph Island group, Anguella Island group, Timbered Island, Coronation Island, Spanish Island, Warren Island, Hazy Island, and Kosciusko Island.
- 2. The waters and submerged lands for a distance of three thousand (3,000) feet from said shores;
- 3. The lakes and streams emptying into said waters; and
- 4. The unpatented lands drained thereby.

Dated Washington, D. C., July 26, 1944.

OSCAR L. CHAPMAN,

Assistant Secretary.

[F. R. Doc. 44-11215; Filed, July 27, 1944; 12: 24 p. m.]

FEDERAL COMMUNICATIONS COM-MISSION.

[Docket No. 6120]

WICA, INC.

NOTICE OF HEARING .

In re application of WICA, Inc., (WICA); date filed January 15, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Ashtabula, Ohio; operating assignment specified: frequency, 970 kc.; power, 1 kw.; hours of operation, unlimited (DA-night).

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for further hearing to be consolidated with the application of WWSW, Inc., Docket No. 6121, for the following reasons:

1. To determine the nature and character of the program service proposed in the event this application is granted.

2. To determine whether the granting of the instant application would tend towards a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934.

3. To determine the areas and populations which may be expected to gain interference-free primary service from the proposed operation of Station WICA, and what other broadcast services are available to these areas and populations.

4. To determine the extent and effect of any interference which would result from the simultaneous operation as proposed by Station WICA and the operations proposed by Station WWSW in its application, No. B2-P-3055, Docket No. 6121.

5. To determine whether the granting of this application would serve an outstanding public need or national interest as set forth in the Commission's Supplemental Statement of Policy issued on January 26, 1944, and to determine whether a grant of this application would otherwise be consistent with the provisions of this statement of policy.

6. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of WWSW, Inc. (WWSW), No. B2-P-3055, Docket No. 6121, public interest, convenience and necessity would be served by the granting of the instant application and said application of WWSW, Inc. or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: WICA, Inc., Radio Station WICA, 221 Center Street, Ashtabula, Ohio.
Dated at Washington, D. C., July 26,

1944.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 44-11235; Filed, July 28, 1944; 10:50 p. m.]

[Docket No. 6121] WWSW, INC.

NOTICE OF HEARING

In re application of WWSW, Inc. (WWSW); date filed, December 11, 1940; for construction permit; class of service, broadcast; class of station, broadcast; location, Pittsburgh, Pa.; operating assignment specified: Frequency, 970 kc; power, 5 kw; hours of

operation, unlimited (DA-night and day).

You are hereby notified that the Commission has examined the application in the above-entitled case and has designated the matter for further hearing to be consolidated with the application of WICA, Inc., Docket No. 6120, for the following reasons:

1. To determine the nature and character of the program service proposed in the event this application is granted.

2. To determine whether the granting of the instant application would tend towards a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934.

3. To determine the areas and populations which may be expected to gain interference-free primary service from the proposed operation of Station WWSW, and what other broadcast services are available to these areas and

populations.

4. To determine whether WWSW operating as proposed would provide interference-free primary service to (a) the business districts, (b) the residential districts (c) the metropolitan district of Pittsburgh, Pennsylvania as contemplated by the Standards of Good Engineering Practice.

5. To determine whether the granting of this application would result in interference to Station CMKU, Santiago,

Cuba.

6. To determine whether the proposed operation of WWSW would be consistent with the provisions of the North American Regional Broadcasting Agreement.

7. To determine whether the granting of this application would serve an outstanding public need or national interest as set forth in the Commission's Supplemental Statement of Policy issued on January 26, 1944, and to determine whether a grant of this application would otherwise be consistent with the provisions of this statement of policy.

8. To determine the extent and effect of any interference which would result from the simultaneous operation of Station WWSW and Station WICA as proposed in application B2-P-3081, Docket

No. 6120.

9. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of WICA, Inc. (WICA), No. B2-P-3081, Docket No. 6120, public interest, convenience and necessity would be served by the granting of the instant application and said application of WICA, Inc. or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than

the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules of practice and procedure.

The applicant's address is as follows: WWSW, Inc., Radio Station WWSW, Hotel Keystone, 212 Wood Street, Pittsburgh 30, Pa.

Dated at Washington, D. C., July 26, 1944.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 44-11236; Filed, July 28, 1944; 10:50 a. m.]

FEDERAL TRADE COMMISSION.

" [Docket No. 4869]

LIBERTY CHEMICAL CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of July, A. D. 1944.

In the Matter of Georgia A. Coleman, an individual, trading as Liberty Chemical Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Andrew B. Duvall, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, August 10, 1944, at ten o'clock in the forencon of that day (Eastern Standard Time), in Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

Otis B. Johnson, Secretary.

[F. R. Doc. 44-11242; Filed, July 28, 1944; 11:03 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 411]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first order-

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ing paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70–A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To dicregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, July 22, 1944, by R. A. Klotz and Company of car ART 19394, potatees, now on the Chicago Produce Terminal, to Sales Officer, Camp Campbell, Kentucky.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of July 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-11270; Filed, July 23, 1944; 11:51 a. m.]

[S. O. 70-A, Special Permit 412]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kancas, July 22, 1844, by Cochrane Brokerage Company of car PFE 36553, potatocs, now on the Union Pacific Railroad, to Morris Goldman, Milwaukee, Wisconsin (Milw.).

The waybill chall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Rallroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of July 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. E. Doc. 44-11271; Filed, July 23, 1944; 11:51 a.m.]

[S. O. 70-A, Special Permit 413]

RECONSIGNMENT OF ONIONS AT MONT-GOMERY, ALA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Montgomery, Alabama, July 22, 1944, by Piowaty Bergart Company of car SFRD 24779, onions, now on the Louisville and Nashville Railway, to New Orleans, Louisiana.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of July 1944.

V. C. CLINGER. Director, Bureau of Service.

[F. R. Doc. 44-11272; Filed, July 28, 1944; 11:51 a. m.]

[S. O. 70-A, Special Permit 414]

RECONSIGNMENT OF HONEYDEW MELONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, July 22, 1944, by La Mantia Brothers Arrigo Company, of car SFRD 38478, honeydew melons, now on the Chicago Produce Terminal, to John Schentzius, Buffalo, New York (N.

Y. C.).

The waybill shall show reference to this

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the gen-·eral public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of te Fed-

eral Register.
Issued at Washington, D. C., this 22d day of July 1944.

V. C. CLINGER, Director. Bureau of Service.

[F. R. Doc. 44-11273; Filed, July 28, 1944; 11:51 a. m.]

[S. O. 70-A, Special Permit 415]

RECONSIGNMENT OF ORANGES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph § 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act.

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, July 24, 1944, by El Modena Citrus, Inc. (by Andrews Bros.) of car PFE 71774, oranges, now on the C. R. I. & P. Railroad to Canadian Packers Limited, Toronto, Canada, account diversion orders not executed.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of July 1944.

> V. C. CLINGER. Director, Bureau of Service.

[F. R. Doc. 44-11274; Filed, July 28; 1944; 11:51 a. m.]

[S. O. 70-A, Special Permit 416]

RECONSIGNMENT OF POTATOES AT MINNE-APOLIS, MINN.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Minneapolis, Minnesota, July 24, 1944, by C. H. Robinson Company of car URT 16219, potatoes, now on the C. M. St. P. & P. Railway to Milwaukee, Wisconsin, via C. M. St. P. & P. Railway for Abe Mendelson.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of July 1944.

V. C. CLINGER, Director, Bureau of Service.

[F. R. Doc. 44-11275; Filed, July 28, 1944; 11:51 a. m.]

[S.'O. 164, 3d Amended Gen. Permit 14] REFRIGERATION OF CITRUS FRUIT FROM TEXAS

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with citrus fruit originating at any point or points in the State of Texas.

This general permit shall become effective at 12:01 a. m., August 1, 1944, and shall apply to such cars billed or moving at that time, and it shall expire at 12:01 a. m., Soptember 15, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of July 1944.

> V. C. CLINGER, Director, Bureau of Service.

[F. R. Doc. 44-11276; Filed, July 28, 1944; 11:51 a, m.]

[S. O. 164, 4th Amended Gen. Permit 15] REFRIGERATION OF CITRUS FRUIT FROM . FLORIDA

Pursuant to the authority vested in me by paragraph (g) of the first ordering paragraph (§ 95.323, 8 F.R. 15491) of Service Order No. 164 of November 10, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To provide standard refrigeration on any refrigerator car loaded with citrus fruit originating at any point or points in the State of Florida.

This general permit shall become effective at 12:01 a. m., August 1, 1944, and shall apply to such cars billed or moving at that time, and it shall expire at 12:01 a. m. Sep-tember 15, 1944.

The waybills shall show reference to this

general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filling it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 26th day of July 1944.

> V. C. CLINGER, Director. Bureau of Service.

[F. R. Doc. 44-11277; Filed, July 28, 1944; 11:52 a. m.]

[S. O. 200, Special Permit 149]

ICING OF POTATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To allow Smiling Jim Potato Company, Philadelphia, Pa., to initially ice FGE 32406 and PFE 21828, potatoes, with two tons of ice in each car. Both cars on Pennsylvania Railroad general delivery track at Philadelphia Control New York and PDP phia, destined to Geneva. New York via PRR.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of July 1944.

V. C. CLINGER. Director Bureau of Service.

[F. R. Doc. 44-11278; Filed, July 28, 1944; 11:52 a. m.]

[S. O. 200, Special Permit 150]

REICING OF POTATOES AT KANSAS CITY. MO.-KANS.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice, one time only, at Kansas City, Missouri-Kansas, July 25, 1944, as ordered by Cochrane Brokerage Company, car WFE 49339, potatoes, now on the Union Pacific Railroad, account bunkers are dry and shipment is destined to Burlington, Iowa, (Burl.).

The waybill shall show reference to this

special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 25th day of July 1944.

> V. C. CLINGER, Director. Bureau of Service.

[F. R. Doc. 44-11279; Filed, July 28, 1944; 11:52 a. m.]

OFFICE OF ALIEN PROPERTY CUS-TODIAN.

[Supplmental Vesting Order 3523]

YUKI TAKAHASHI AND TOKUE TAKAHASHI

In re: Household furnishings and personal effects owned by Yuki Takahashi and/or Tokue Takahashi.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found, by Vesting Order Number 3031, dated January 27, 1944, that Yuki Takahashi and Tokue Takahashi, his wife, are nationals of a designated enemy coun-

try (Japan);
2. Having vested by said Vesting Order
Number 3031 certain property particularly described therein which was owned by Yuki and/or Tokue Takahashi, his wife, on January 27, 1944;

3. Finding that Yuki Takahashi and/or Tokue Takahashi, his wife, are the owners of the property described in subparagraph 4 hereof;

4. That the property described as follows: Those certain household furnishings and personal effects, particularly described in Exhibit A, attached hereto and by reference made a part hereof, presently located on the premises known as No. 1385 Alewa Drive, Honolulu, Territory of Hawaii,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national in-terest of the United States requires that such persons be treated as nationals of a desig-

nated enemy country (Japan);
And having made all determinations and taken all action, after appropriate consulta-tion and certification required by law, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Allen Property Custodian. This order shall not be deemed to limit the power of the Allen Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form AFC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 24, 1944.

[SEAL]

JAMES E. MARKHALI. Alien Property Custodian.

EXHILIT A

Bedrooms: 1 dresser, 1 small wicker chair, 1 small cabinet, 1 small table, 1 dresser, 1 bookcace, 1 bureau, 1 iron bed, 1 chest of drawers.

Sun porch: 1 couch, 2 wicker settess, 1 small wicker table, 1 lauhala mat, 3 wicker

Kitchen: 1 refrigerator, 1 card table, 1 stove, 1 kitchen table, 3 lamps, 1 white table.

Living room: 1 large sofa, 2 stuffed chairs, 3 wicker chairs, 1 small wicker settee, 1 occasional table, 1 large rug, 4 small rugs, 1 standing lamp and chade, 1 coffee table, 3 end tables, 1 bronze panther ornament, 1

medium size rug.

Dining room: 1 dining room table, 1 side board, 1 china cabinet, 6 dining room chairs, 1 large rug.

Curtains and other incidental furnishings.

[F. R. Doc. 44-11237; Filed, July 23, 1944; 11:01 a. m.]

[Supplemental Vesting Order 3338] Walter Eitelbach & Co., Inc.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation,

1. Having found and determined under Verting Order Number 2884,1 dated December 31, 1943, that Walter Eitelbach & Co., Inc., is a business enterprise in the United States and is a national of a designated enemy country (Germany), and that The Nissen Stiftung, Husum, Schleswig-Holstein, Ger-many, is a national of a designated enemy

country (Germany);
2. Finding that The Nizen Stiftung is the acaignee of a debt owed by Walter Eitelbach & Co., Inc., in the principal sum of 046,929.41, with accrued interest, and that the rights and claims arising by virtue of the accignment of said debt are an interest in Welter Eitelbach & Co., Inc.;

3. Finding that an agreement was entered into dated November 1, 1934, by and between The Nicsen Stiftung, Walter Eitelbach & Co., Inc., and Walter Eitelbach, whereunder Walter Eitelbach & Co., Inc., in order to secure the payment of said indebtedness owed to The Nicsen Stiftung and of 5% Sinking Fund Gold Notes, dated April 1, 1923, of Walter Eitelbach & Co., Inc., of the face value of 8397,000 and held by The Nicsen Stiftung, delivered to Walter Eitelbach, as liquidating factor for The Nissen Stiftung and/or the trustce for the benefit of The Nissen Stiftung named in said agreement of November 1. 1934, all the current assets and the entire merchandice inventory as of November 1, 1934, of Walter Eitelbach & Co., Inc., which agreement and the rights and claims arising thereunder are an interest in Walter Eitelbach & Co., Inc.;

and determining: 4. That to the extent that such nationals ere percons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany):

and having made all determinations and taken all action required by law, including

¹9 F.R. 1944.

¹⁰ F.R. 2616.

appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian (a) any and all right, title, interest and claim of The Nissen Stiftung in and to the debt of Walter Eitelbach & Co., Inc., more particularly described in subparagraph 2 hereof; (b) any and all right, title, interest and claim of The Nissen Stiftung in and to or arising under the agreement dated November 1, 1934, more particularly described in subparagraph 3 hereof; and (c) any and all right, title, interest and claim, both legal and equitable, of The Nissen Stiftung in and to the collateral security or the proceeds from the sale thereof, deposited under said agreement of November 1, 1934, and now held by Walter Eitelbach & Co., Inc., and/or Walter Eitelbach.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien-Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., July 17, 1944.

JAMES E. MARKHAM, [SEAL] Alien Property Custodian.

[F. R. Doc. 44-11238; Filed, July 28, 1944; 11:01 a. m.]

[Supplemental Vesting Order 3962] EMMA WECKENMANN, ET AL.

In re: Land contract rights owned by Emma Weckenmann, also known as Emma Frey Wekenmann, and as Emma Frey Wickenen, Julius Frey, Elfrieda Blinn, also known as Elfrieda Blinn Jost, and Katherine Harold, also known as Katherine Frey Herold, and as Catherine Frey Herold, and dower rights owned by the husband (name unknown) of Elfrieda Blinn, also known as Elfrieda Blinn Jost.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation:

1. Having found, by Vesting Order Number 2484, dated October 26, 1943, as amended, that Julius Frey, Katherine Frey Herold, sometimes known as Catherine Frey Herold, Elfrieda Blinn Jost, also known as Elfrieda Blinn, and Emma Frey Wekenmann, some-times known as Emma Frey Wickenen, are nationals of a designated enemy country (Germany);

2. Finding that Katherine Frey Herold, sometimes known as Catherine Frey Herold, and Katherine Harold are one and the same

person:

3. Finding that Emma Frey Wekenmann, sometimes known as Emma Frey Wickenen, and Emma Weckenmann are one and the same person;
4. Having vested by said Vesting Order

Number 2484, as amended, among other things, certain real property particularly described in subparagraph 3-a (I) of said

order;
5. Finding that the last known address of the husband (name unknown) of Elfrieda Blinn Jost, also known as Elfrieda Blinn, is Germany and that he is a resident of Germany and a national of a designated enemy

country (Germany);
6. Finding that the persons whose names appear in subparagraphs 1, 2 and 3 hereof are the owners of the property described in

subparagraph 8-a hereof;
7. Finding that the husband (name un-known) of Elfrieda Blinn Jost, also known as Elfrieda Blinn, is the owner of the property described in subparagraph 8-b hereof; 8. Finding that the property described as

follows:

a. All right, title, and interest of Emma Wekenmann, also known as Emma Frey Wekenmann and as Emma Frey Wickenen, Julius Frey, Elfrieda Blinn, also known as Eifrieda Blinn Jost, and Katherine Harold, also known as Katherine Frey Herold and Catherine Frey Herold, in and to that certain land sales contract executed by and between the herein-named persons by Fred Frey, as attorney-in-fact, as vendors, and Ernest Meierjohan, as vendee, evidenced by an greement dated May 25, 1942 and an escrow agreement dated November 30, 1942, whereby, among other things, the said vendee agrees to pay the sum of 88,000 for certain real property particularly described as Lots 46, 47 and 48, Daniel Gano's Subdivision, Cincinnati, Hamilton County, Ohio, and known as 2125-27 Allanthus Street, and

b. The dower rights of the husband (name unknown) of Elfrieda Blinn Jost, also known as Elfrieda Blinn, in and to the real property referred to in subparagraph 4 hereof, and the land sales contract rights described

in subparagraph 8-a hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany); And determining that to the extent that

such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 8 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Allen Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July

22, 1944.

[SEAL] JAMES E. MARKHAM, Alien Property Custodian.

[F. R. Doc. 44-11239; Filed, July 28, 1944; 11:01 a. m.1

> [Vesting Order 2484, Amdt.] JULIUS FREY, ET AL.

In re: Interests in real property, a mortgage and a bank account owned by Julius Frey, Katherine Frey Herold, Elfrieda Blinn Jost and Emma Frey Wekenmann.

Vesting Order Number 2484,1 dated October 26, 1943, is hereby amended as follows and not otherwise:

By deleting subparagraph 1 of said Vesting Order Number 2484 and substituting therefor the following:

1. That the last known addresses of Julius Frey, Katherine Frey Herold, sometimes known as Catherine Frey Herold, Elfrieda Blinn Jost, also known as Elfrieda Blinn, and Emma Frey Wekenmann, sometimes known as Emma Frey Wickenen, are, respectively, 6 Wald Street, Musbach, Rheinpfalz, Germany; 57 Genfer Street, Rheinickendorf, Berlin, Germany; Landau, Immelmann St., Saarpfalz, Germany; and, Lambrecht, Saarpfalz, Germany, and that they are residents of Germany and are nationals of a designated enemy country (Germany);

All other provisions of said Vesting Order Number 2484 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratifled and confirmed.

Executed at Washington, D. C., on July 22, 1944.

[SEAL]

James E. Markham. Alien Property Custodian.

[F. R. Doc. 44-11240; Filed, July 28, 1944; 11:01 a. m.]

¹8 F.R. 15532.

OFFICE OF PRICE ADMINISTRATION.

[MPR 136, Order 259]

GENERAL MOTORS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 259 Under Maximum Price Regulation 136 as amended. Machines and parts, and machinery services. GMC Truck & Coach Division, General Motors Corporation; Docket No. 3136–468.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, and § 1390.25a of Maximum Price Regulation 136, as amended, It is hereby ordered:

(a) The GMC Truck and Coach Division, General Motors Corporation, 660 South Boulevard, East Pontiac, Michigan, is authorized to sell each GMC motor truck containing a chassis described in subparagraph (1) at a price not to exceed the applicable list price in subparagraph (1), adjusted as provided in that subparagraph, plus the applicable charges in subparagraph (2):

(1) List price. The following applicable list price, f. o. b. factory, to which shall be applied the seller's discount in effect on March 31, 1942, to the applicable

· class of purchaser:

Model number	Description	List price f. o. b. factory
CC-302	Chassis of 134½" wheelbase, and gross weight range from 9,000 to 14,000 lbs., and 1942 standard	
CC-303	equipment	*\$815
CC-402	equipment Chassis of 135½" wheelbase, and gross weight range from 11,000 to 15,000 lbs., and 1942 standard	845
CC-403	equipment	1,040
CC-404	to 15,000 lbs., and 1942 standard equipment Chassis of 177¼" wheelbase, and gross weight range from 11,000	1,070
CC-405	to 15,000 lbs., and 1942 standard equipment chassis of 1951/" wheelbase, and gross weight range from 11,000	1,085
CC-452	to 15,000 lbs., and 1942 standard equipment	1,110
CC-453	gross weight range from 12,500 to 17,000 lbs., and 1942 standard equipment. Chassis of 15914" wheelbase, and	1,200
, CC-454	gross weight range from 12,500 to 17,000 lbs., and 1942 standard equipment. Chassis of 17734" wheelbase, and	1,290
	gross weight range from 12,500 to 17,000 lbs., and 1942 standard equipment	1,305
CC-455	Chassis of 1951/1" wheelbase, and gross weight range from 12,500 to 17,000 lbs., and 1942 standard equipment.	1,330

(2) Charges. (i) A charge for extra, special, and optional equipment which shall not exceed the list price, or established price, in effect on March 31, 1942, less the discount in effect on that date applicable to the class of purchaser, for such equipment when sold as original equipment for the applicable chassis de-

scribed above, except that for the following items of original equipment the charge shall not exceed the respective list price stated below, less the applicable discount in effect on March 31, 1942, to the applicable class of purchaser:

Model number	Description	List price f. c. b. factory
1574	Driver's cab Driver's cab	\$119 175

(ii) A charge to cover handling and delivery expense computed in accordance with seller's method in effect on March 31, 1942.

(iii) A charge to cover freight expense based on current freight rates and computed in accordance with the seller's method in effect on March 31, 1942.

(iv) A charge to cover federal excise tax and tires-weight tax and state and local taxes, on the vehicle being sold, computed in accordance with seller's method in effect on March 31, 1942.

(v) A charge to cover seller's expense during June and July 1944, for storage in non-company-owned storage locations, not to exceed \$7.00 for the first month's storage and \$5.00 for each other month's storage, or fraction thereof.

(b) A reseller of GMC motor trucks may sell, delivered at reseller's place of business, each GMC truck, containing a chassis described in subparagraph (1) of paragraph (a), at a price not to exceed the total of the applicable list price in subparagraph (1) of paragraph (a) and the applicable charges in subparagraph (1) below, less the discounts the reseller had in effect on March 31, 1942, to the applicable class of purchaser:

(1) Charges. (1) A charge for extra, special and optional equipment which shall not exceed the charge the reseller had in effect for this equipment on March 31, 1942, to the applicable class of purchaser, when sold as original equipment, except that for the following items of original equipment the charge shall not exceed the respective list price stated below, less the discount in effect on March 31, 1942, to the applicable class of purchaser;

Model number	Description	List price f. o. b. factory
1574	Driver's cab	* \$110
1500	Driver's cab	175

(ii) Actual freight-in expense.

(iii) A charge to cover federal, state and local taxes on his purchase, and sale, or delivery of the applicable truck model, computed in accordance with the reseller's method in effect on March 31, 1942.

(iv) The reseller's charge in effect on March 31, 1942, for handling and delivery, and in addition, the storage charges he has to pay under subdivision (v) of paragraph (a) (2).

(v) The dollar amount of all other charges or allowances which the reseller had in effect on March 31, 1942, to the applicable class of purchaser.

(c) In the case of a reseller who cannot establish a price under paragraph (b) because he was not in business on March 31, 1942, his maximum price shall be a total of the following:

(1) The applicable list price, f. o. b. factory, in subparagraph (1) of para-

graph (a).

(2) The original equipment retail charge that GMC Truck & Coach Division, General Motors Corporation, suggested on March 31, 1942, to resellers as a charge to be made by resellers, to the applicable class of purchaser, for extra, special and optional equipment attached to the applicable chassis as original equipment, except that for the following items of original equipment the charge shall not exceed the respective list price stated below:

Medel number	Decoription	List price f. o. b. fictory
1574	Driver's cab	\$110
1500	Driver's cab	175

(3) Actual freight-in expense.

(4) The amount the GMC Truck & Coach Division, General Motors Corporation, in accordance with its March 31, 1942, method, charges the reseller as an allowance to cover federal excise tax and tires-weight tax, and the amount of the reseller's expense for state and local taxes assessed on the vehicle.

(5) A charge to cover the reseller's handling and delivery expense not to exceed the amount of this expense to the reseller, and, in addition, the storage charges he has to pay under subdivision

(v) of paragraph (a) (2).

(d) All requests in the application not granted in this order are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

Note: The manufacturer's price under paragraph (a) is for a truck equipped with natural rubber tires, or synthetic rubber tires delivered to the manufacturer prior to April 18, 1944. Where the manufacturer has an established price in accordance with section 1390.6 of Haximum Price Regulation 136, as amended, which is higher than a price permitted under paragraph (a) because the truck is equipped with synthetic tires delivered to the manufacturer on and after April 18, 1944, or because of any other substantial specification change or material substantial specification in the truck, the reseller may add to his price under paragraph (b) or (c) the increase in cost to him over the price he would otherwise pay under paragraph (a) plus his customary markup on such cost.

This order shall be effective July 27, 1944.

Issued this 27th day of July 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-11226; Filed, July 27, 1944; 4:06 p. m.]

[Order 59, to Order 375 Under 3 (b)]

QUEEN ANNE CANDY CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 50 under Order No. 375 of § 1499.3 (b) of the General Maximum

Price Regulation. Queen Anne Candy Co.; Docket No. N 6352-13B-146-7.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered, That:

Authorization of maximum prices governing sales of "Queen Anne Pecan Log" a confectionery item manufactured by Queen Anne Candy Co., Hammond, Indiana.

- (a) The maximum prices to be charged by the indicated seller below for the indicated sales of "Queen Anne Pecan Log" a 9 ounce net weight pecan candy item manufactured by the Queen Anne Candy Co. of Hammond, Indiana, in accordance with its formula contained in its supplementary price application dated July 12, 1944 shall be as follows:
- (1) From Queen Anne Candy Co., to whole-salers, \$3.52 per 12 count box, delivered.
- (2) From wholesaler to retailer, \$4.40 per 12 count box, delivered.
- (3) From retailers to consumers, \$0.55 per 9 ounce item.
- (b) The prices established in this order are the highest prices for which "Queen Anne Pecan Log" may be sold by the respective sellers. All sellers, on sales of this item, shall reduce the above appropriate maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of other comparable candy items. In the application of any customary differentials the specific maximum prices established by this order shall not be exceeded.
- (c) Queen Anne Candy Co., shall mail or otherwise supply to its purchasers at the time of or prior to the first delivery to such purchaser the following notice:

The Office of Price Administration has authorized us to sell our "Queen Anne Pecan Log" to wholesalers at a maximum delivered price of \$3.52 per 12 count box. Wholesalers are authorized to sell this item to retailers at a maximum delivered price of \$4.40 per 12 count box. On sales of this item all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of comparable candy items. In the application of any customary differential the specific maximum prices mentioned herein must, not be exceeded.

(d) Queen Anne Candy Co., for a period of at least ninety days, shall place in or on each smallest retail packing unit of this item, the following notice:

The Office of Price Administration has authorized maximum prices for sales of "Queen Anne Pecan Log." Wholesalers are authorized to sell this item to retailers at a maximum delivered price to \$4.40 per 12 count box. Retailers are authorized to sell this item at a maximum price not in excess of 55 cents per item. On sales of this item all sellers are required to reduce their maximum prices by applying their customary discounts, allowances and price differentials which have been applied to sales of other comparable candy items. In the application of any customary differential the specific maximum price mentioned herein shall not be exceeded.

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- (e) This order may be revoked or amended at any time by the Price Administrator.
- (f) This Order No. 50' shall become effective July 29, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1944.

JAMES G. ROGERS, Jr.,

Acting Administrator.

[F. R. Doc. 44-11255; Filed, July 28, 1944; 11:45 a.m.]

[MPR 188, Order 1940]

ELYRIA METAL PRODUCTS Co.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1940 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of stamped steel pliers manufactured by Elyria Metal Products Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, It is ordered:

(a) The maximum prices for all sales and deliveries by the Elyria Metal Products Company, Post Office Box 492, Elyria, Ohio of Stamped Steel Pliers and Open End Wrenches of its manufacture, as described in its application dated June 28, 1944 after such articles became subject to Maximum Price Regulation No. 188, are as follows:

Article and model	To jobbers or distrib- utors who stock the tools	To re- tailers
Plier: 125LW 601PH 606KH 187HD Wrench: 510" x 1350" 38" x 746" 12" x 746" 1110" x 1952" 554" x 34" 76" x 2552"	Dozen \$0.642 1.20 1.20 1.44* .48 .48 .57 .60 .64* .90	Dozen \$0.856 1.60 1.60 1.92 64 .64 .76 .80 .85 1.20

These maximum prices are f. o. b. Elyria, Ohio; \$0.50 per hundredweight freight allowance on shipments of 100 pounds or more and are subject to a cash discount of 2%—10 days, net 30 days.

(b) The maximum price for all sales and deliveries at wholesale for the stamped steel pliers and open end wrenches described in paragraph (a) above shall be the prices set forth below as follows:

Article and model or size	Maximum price to re- tallers
Plier: 125LW	Dozen \$0,850
601PH 606KH	1,60
187HD	1,60 1,02
Wrench:	
%16" x 13/32" 38" x 7/16"	10.
16" * 94 6"	70
11/10" x 19/32" 58" x 3/4"	.80
78" X 25/32"	1,20

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum prices for a sale at retail of the stamped steel pliers and open end wrenches described in paragraph (a) above shall be as follows:

Article and model	Maximum price to consumer
Plier: 125LW 601PH 606KH 187HD Wrench: 96" x 1/52" 36" x 1/6" 34" x 1/6" 11/16" x 1/953" 56" x 3/4" 34" x 3/4"	Each \$0, 11 .20 .20 .21 .03 .09 .10 .10 .11

- (d) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser. Since this order also establishes maximum prices for sales by all jobbers to jobbers and retailers, each jobber who resells any commodity covered by this order must notify his purchaser of the maximum prices established by this order for sales by the purchaser. This written notice may be given in any convenient form.
- (e) Unless the context otherwise requires, the definitions set forth in § 1499.-20 of the General Maximum Price Regulation shall apply to the terms used herein.
- (f) This Order No. 1940 may be revoked or amended by the Price Administrator at any time.

This Order No. 1940 shall become effective on the 29th day of July 1944.

Issued this 28th day of July 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 44-11258; Filed, July 28, 1944;

[MPR 188, Order 1941]

SHAWNEE MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1941 under § 1499.158 of Maximum Price Regulation No. 188.

Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of three items of hassocks manufactured by Shawnee Manufacturing Co.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, It is ordered:

(a) This order establishes maximum prices for sales and deliveries, of three items of hassocks manufactured by Shawnee Manufacturing Company, 6526 Olmsted Street, Edison Park, Chicago, Illinois.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the article from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model no.	Maximum price to per- sons, other than retail- ers, who re- sell from manufactur- er's stock	Maxi- mum price to re tailers
Hessock	Delicious apple Square tom tom Round tom tom	Each \$6.67 7.61 7.61	Each \$7.85 8.95 8.95

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subparagraph (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Hassock	Delicious apple Square tom tom Round tom tom	Each \$7.85 8.95 8.95

These prices are subject to a cach discount of two percent for payment within ten days.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by paragraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 29th day of July 1944.

Issued this 28th day of July 1944.

James G. Rogers, Jr.,

Acting Administrator.

[F. R. Doc. 44-11257; Filed, July 28, 1944; 11:44 a. m.]

[MPR 188, Order 1942]

ROYAL CABINET AND SCREEN CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1942 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of a chest of drawers and a storage chest manufactured by Royal Cabinet and Screen Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, It is ordered:

(a) This order establishes maximum prices for sales and deliveries, of a chest of drawers and a storage chest manufactured by Royal Cabinet and Screen Co., 309 Hempstead Turnpike, Franklin Square, Long Island.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum prise to per- cens, ether than re- tailers, who recall from manufac- turer's eteck	Maxi- mum priceto retalices
Chest of drawers_ Storage chest	Unfinisheddo	End \$7.03 3.18	E:::h \$7.00 3.74

These prices are f. o. b. factory.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subparagraph (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (1) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Artisia	Medal No.	Maxi- mum price to retailers
Chect of drawers Storage chect	Unfinisheddo	Each \$3.00 3.74

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by paragraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 29th day of July 1944.

Issued this 28th day of July 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-11253; Filed, July 23, 1944; 11:44 a.m.]

[LIPR 183, Order 1943]

MACK AND RHODES WOOD PRODUCTS

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1943 under § 1499.158 of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Approval of maximum prices for sales of four items of occasional tables manufactured by Mack and Rhodes Wood Products.

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, It is ordered:

(a) This order establishes maximum prices for sales and deliveries, of four items of occasional tables manufactured by Mack and Rhodes Wood Products, 2344 W. Harrison Street, Chicago, Illi-

(1) (1) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to per- sons, other than retail- ers, who resell from manu- facturer's stock	Maxi- mum price to retailers
End tableLamp tableCoffee tableCocktail table	125 126 127 128	Each \$7.40 7.00 7.40 7.80	Each \$9.25 8.75 9.25 9.75

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subparagraph (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

Article	ModelNo.	Maximum price to retailers
End table	125 126 127 128	Each \$9.25 8.75 9.25 9.75

These prices are subject to a cash discount of two percent for payment within ten days.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those deter-

mined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by paragraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 29th day of July 1944.

Issued this 28th day of July 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-11259; Filed, July 28, 1944; 11:45 a. m.]

[MPR 254, Order 3]

HARRINGTON AND RICHARDSON ARMS Co.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 3 under § 1379.4 of Maximum Price Regulation No. 254. New small firearms and firearm parts. Approval of maximum prices for sales of the Model No. 65 target rifle manufactured by the Harrington and Richardson Arms Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, and in accordance with § 1379.4 of Maximum Price Regulation No. 254, It is ordered:

(a) Harrington & Richardson Arms Company, Worcester, Massachusetts, is authorized to sell and deliver the Model No. 65 Target Rifle of its manufacture at prices no higher than those set forth helow:

For sales by the manufacturer to jobber, \$39.00 per unit, exclusive of Federal excise tax.

For sales by the manufacturer to retailer, \$53.85 per unit, inclusive of Federal excise

For sales by the manufacturer to consumers, \$68.30 per unit, inclusive of Federal excise tax.

These maximum prices are subject to the discounts, allowances, and freight, packing and other price differentials customarily granted or charged by the applicant to purchasers of the class specified above.

(b) Any person may sell or deliver Model No. 65 Target Rifle to retailers at \$53.85 per unit, inclusive of Federal excise tax. This maximum price is subject to each seller's customary discounts, allowances and price differentials.

(c) Any person may sell and deliver the Model No. 65 Target Rifle to consumers at \$68.30 per unit, inclusive of Federal excise tax. This maximum price is subject to the seller's customary discounts, allowances and price differentials. (d) At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser of the maximum prices and the conditions set by this Order No. 3 for resales by the purchaser. This notice may be given in any convenient form.

This order may be revoked or amended by the Price Administrator at any time. This order shall become effective the

29th day of July 1944.
Issued this 28th day of July 1944.

James G. Rogers, Jr., Acting Administrator.

[F. R. Doc. 44-11254; Filed, July 28, 1944; 11:45 a. m.]

[MPR 528, Order 8]

FIRESTONE TIRE & RUBBER CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 8 under Maximum Price Regulation 528. Tires and tubes, recapping and repairing.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 528, It is ordered:

(a) (1) The maximum retail prices for the following size and type of new tire manufactured by The Firestone Tire & Rubber Company of Akron, Ohio, shall he.

INDUSTRIAL SOLID PRESSED-ON TIRE

Sizo	Maximum retail prico per tiro		
	East	West	
17 x 6 x 12½	\$21.05	\$20.00	

(2) "East" and "West" shall have the meaning given those terms in the manufacturer's price list for Industrial Solid Pressed-on Tires in effect on February 1, 1944.

(b) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective July 29, 1944.

Issued this 28th day of July 1944.

JAMES G. ROGERS, Jr., Acting Administrator.

[F. R. Doc. 44-11260; Filed, July 28, 1944; 11:47 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 59-74]

SPOKANE GAS & FUEL CO.

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 26th day of July, A. D. 1944.

The Commission having examined the corporate structure of Spokane Gas & Fuel Company, a subsidiary of Cities Service Power & Light Company, a registered holding company, and the files and records of the Commission relating thereto, and such examination having disclosed data establishing, or tending to establish, that:

1. Spokane Gas & Fuel Company is a corporation organized under the laws of the State of Washington in November 1909. It is a public utility company within the meaning of section 2 (a) (5) of the Public Utility Holding Company Act of 1935 and is a subsidiary of Cities Service Power & Light Company, a registered holding company, which in turn is a subsidiary of Cities Service Company, a registered holding company. It is engaged in the manufacture and distribution of manufactured gas in the City of Spokane, Washington.

2. A condensed balance sheet, per books, as of December 31, 1943 is as follows:

Assets	
Utility plant (including under termined amount of intangibles	
Net utility plant	2, 636, 793
Investments 1Current assets:	1,684
CashOther	
	124, 297
Deferred charges: Unamortized debt discoun and expense Other	t _ 1,797
•	3,589
	2, 766, 363
Liabilities	
Capital stock: Common stock, \$100 p. v Preferred stock, 6%, \$10	_ 1,000,000
p. v.3	300,000
	1,300,000
Long-term debt: First and ref. 5% mtg. bonds due 8/1/442Advances from parent com	_ 998, 700
pany	
	1, 458, 315
Current liabilitiesContributions in aid of con	_ 90, 239
struction	_ 578
Miscellaneous reserves	_ 12,221 _ (94,990)
L'HV10	_ (5%,550)

¹ Includes sinking fund cash in the amount of \$233.

**Exclusive of dividend arrears totaling

2, 766, 363

\$567,000. Preferred stock dividends have not been paid since July 1, 1912.

3 Six months' interest payment (\$24,967) due February 1, 1944, was not met.

3. The following table is a condensed comparative income statement of Spokane Gas & Fuel Company, based upon figures as reported by the company, for the years 1939 to 1943, inclusive:

	1833	1340	1341	1342	1743	&-Year average
Operating revenues. Operating expenses and taxes: Operation. Maintenance.	29,000	\$520,892 113,592 23,393	\$20,233 119,644 22,645	\$33,552 123,830 - 32,545	\$357, 101 193, 224 44, 626	\$328,907 133,540 31,537
Depreciation General taxes Federal income taxes General and administrative	18,600 CS, CS 72,897	18,660 33,876 76,841	15,000 25,233 77,007	18,600 23,821 71,424	18,600 23,425 75,300	18,000 20,415 74,520
Total	203,037	203,412	270, 154	293, 091	259, 115	224,012
Net operating revenues	23,815 643	22.000 115	C9,832 799	45,901 773	17,656 652	42,895 597
Gress income	10,413	12,103	40, 181	43,674	13,023	43, 432
Fixed charges: Bond interest. Amortization of debt dissount and expense. Other	62, 192 3, 221 3, 213	81,676 3,183 2,111	51, 163 3, 157 2,615	20,663 3,125 2,153	EQ. 154 3, 097 2, 214	51, 176 3, 123 2, 373
Total	13,771	<i>10.9</i> 76	£6,373	£3,942	£5,495	56,712
Net income (loss)	637	(4,4%)	(10, 124)	(0,203)	(23, 837)	(13, 210)

4. The following table indicates the division of ownership of the outstanding securities of Spokane Gas & Fuel Company as between Cities Service Power & Light Company and public investors:

			Owned by-		
E ccurity	Amount	Percent of total	CiticsService Power & Light Co.	Public	
Long-term debt; First and ref. gold 5% bends, due 89.744	\$003,700 410,015	37.5 17.3	\$474,000 453,615	\$\$52 4, 100	
Preferred steek, 6%, \$169 p. v.². Common steek, \$169 p. v.	1,423,315 220,660 1,660,660 (21,696)	24.8 11.3 37.5 (3.6)	624, 215 277, 200 1, 600, 600	524,100 2,700	
İ	2,603,525	100.0			

Composed of (a) demand note for \$349,000, (b) 6% income demand note for \$33,015 and (c) accounts payable of

17,000. ² Exclusive of dividend arrears of \$257,000. ³ 47.5% of total bonds outstanding.

5. One vote per share is vested in the common and preferred stock of Spokane Gas & Fuel Company. The 10,000 shares of common stock outstanding represent 76.9% of the voting power and the outstanding preferred stock represent 23.1%

6. The common and preferred stock held by Cities Service Power & Light Company represent 99.79% of the total voting power.

7. Public security holders owning \$524,100 5% bonds due August 1, 1944 and \$2,700 par value of 6% preferred stock have no voice in respect of the management of the company.

8. No dividends have ever been paid on the common stock of Spokane Gas & Fuel Company and no dividends have been paid on its preferred stock since July 1, 1912.

9. Spokane Gas & Fuel Company defaulted on the interest due on its 5% bonds payable on February 1, 1944, and on the sinking fund instalment due July

10. Spokane Gas & Fuel Company has made no provision for refunding or otherwise meeting the maturity of its first mortgage bonds which will become due and payable on August 1, 1944.

It appearing to the Commission in the light of the foregoing that voting power is not fairly and equitably distributed among the security holders of Spokane Gas & Fuel Company, and that it is appropriate and in the public interest and in the interest of investors and consumers to institute proceedings with respect to

Spokane Gas & Fuel Company, under section 11 (b) (2) of the Public Utility Holding Company Act of 1935, to determine whether certain orders should be entered, pursuant to the provisions of said act, for the purpose of fairly and equitably distributing voting power among the security holders of Spokane Gas & Fuel Company;

It is hereby ordered, That proceedings be and are hereby instituted pursuant to section 11 (b) (2) of the act, and that Spokane Gas & Fuel Company be, and is hereby, made Respondent in these pro-

ceedings; and

It is further ordered, That said Respondent shall file with the Secretary of the Commission on or before the 15th day of August, 1944, its answer, in the form prescribed by Rule U-25 of the general rules and regulations under the act, admitting, denying or otherwise explaining the position with respect to the allegations heretofore made in paragraphs 1 to 10 of this order. Such answer may also include a statement by Respondent of its views as to what action, if any, should be taken to bring about a fair and equitable distribution of voting power among the security holders of Spokane Gas & Fuel Company and as to what other action may be necessary or appropriate under the provisions of section 11 (b) (2) of said act with respect to said Respondent.

It is further ordered, That a hearing be held on the 21st day of August, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318. All persons desiring to be heard or wishing to participate otherwise in the proceedings should notify the Commission in the manner provided by Rule XVE of its rules of practice on or before August 15, 1944.

It is further ordered, That without limiting the scope of the issues presented by these proceedings, particular attention will be directed at the hearings to the following matters and questions:

1. Whether voting power is unfairly or inequitably distributed among security holders of Spokane Gas & Fuel Company; and if so what action on the part of Respondent is necessary or appropriate pursuant to section 11 (b) (2) of the act, for the purpose of fairly and equitably distributing voting power among the security holders of Respondent;

2. Whether such action as may be necessary or appropriate for the purpose of fairly and equitably distributing voting power should include a reorganization of said company, and if so, what the terms and provisions of such reorganization should be including the treatment to be accorded the interests of Cities Service Power & Light Company in the Respondant.

3. What other or further action, if any, should be required to be taken by the Respondent to meet the requirements of the applicable sections of the Public Utility Holding Company Act of 1935, and particularly the requirements of section 11 (b) (2) of the act.

At the outset of said hearing, consideration will be given to such issues, if any, as may arise from the allegations in Paragraphs 1 to 10 hereof, and Respondent's answer hereinbefore provided for, and in any other papers filed herein by interested persons. To the extent that any allegations set forth above are not controverted in the Respondent's answer and are not controverted by any other interested person, such facts shall be deemed to be admitted for the purpose of this proceeding.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officers so designated to preside at such hearings is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said act. and to a trial examiner under the Commission's rules of practice.

It is further ordered, That notice of said hearing is hereby given to Spokane Gas & Fuel Company, to all security holders and customers of Spokane Gas & Fuel Company to Central Hanover Bank and Trust Company, Successor Trustee under the indenture securing the First Mortgage Bonds of Spokane Gas & Fuel Company, to the Department of Public Service of the State of Washington, and to all interested persons, said notice to be given to Spokane Gas & Fuel Company, Central Hanover Bank and Trust Company, and the Department of Public Servany, and the Department of Public Servany

ice of the State of Washington by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That Spokane Gas & Fuel Company shall give additional notice of said hearing to the holders of its First Mortgage Bonds, by causing a copy of this notice and order to be mailed (a) to each registered owner of any of its outstanding First Mortgage Bonds addressed to them at their respective addresses shown on the registry book kept with respect to such registered bonds, and (b) to each person claiming to be the owner of any said bonds payable to bearer as shown by ownership certificates filed with Spokane Gas & Fuel Company during the period July 1, 1943 through July 25, 1944 in connection with the payment of interest on said bonds, pursuant to the provisions of the Internal Revenue Code and regulations of the Treasury Department.

It is further ordered, That Spokane Gas & Fuel Company shall cause to be published at least once during the week beginning August 6, 1944, and at least once during the week beginning August 13, 1944, a notice of said hearing, in a newspaper published and of general circulation in the City of Spokane, Washington and in the Borough of Manhattan in the City of New York.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-11184; Filed, July 27, 1944; 10:16 a. m.]

SURPLUS WAR PROPERTY ADMINISTRATION.

[Reg. 1, Supp. 1]

DISPOSAL OF SURPLUS PROPERTY BY FEDERAL AGENCIES

Scope of supplement. This supplement has three primary purposes:

(1) To extend the effectiveness of the Administration's Regulation No. 1, dated May 8, 1944 (9 F.R. 5096), as hereby amended, to surplus war property of all agencies, with the exceptions herein stated.

(2) To amend Regulation No. 1 in certain respects which are rendered desirable by its extension to cover surplus war property of all agencies.

(3) To amend Regulation No. 1 in additional respects found appropriate as the result of experience and by expanding its scope to include real estate not previously covered.

This supplement shall become effective on August 1, 1944.

Effectiveness. Regulation No. 1, as hereby amended, is hereby made effective with respect to surplus war property of all agencies, with the following exceptions and qualifications which are subject to change by further regulations:

(1) The Administration does not deem it feasible to assign to the disposal agencies herein named surplus war property of the Tennessee Valley Authority with respect to which that corporation has a statutory power and duty of disposal. That corporation, however, (a) shall coordinate its disposal policies and procedures with those of the disposal agencies hereunder so as to avoid competitive sales, (b) shall report surplus war property to the appropriate disposal agency for disposition whenever it deems such reporting consistent with its statutory duties and desirable in the interests of coordinated disposal, and (c) shall report to the appropriate office of the appropriate disposal agency, in such manner and at such times as each such disposal agency shall direct, all dispositions which would be under the jurisdiction of such disposal agency, or would be reported to such disposal agency, if this regulation were fully effective with respect to Tennessee Valley Authority.

(2) The Administration does not deem it feasible to assign to the disposal agencies herein named surplus war property in the possession or control of the foreign establishments of the State Department, when disposed of abroad in accordance with section IV-5 of the Foreign Service Regulations of the State Department.

(3) By direct action without formal amendment to this regulation, the Administration may exempt surplus war property, or any type or class thercof, in the control of any agency from the operation of some or all of the provisions

hereof.

Amendments. Regulation No. 1 is hereby amended as follows:

- 1. Part I B (1) is amended to read as follows:
- (1) All industrial real property, and all other real property of every character of which the owning agency is the War Department, the Navy Department, the United States Maritime Commission or Reconstruction Finance Corporation or a subsidiary thereof, including buildings and fixtures, other than real property disposed of under part I C, I E, or I F (2) hereof.
- 2. Part I E is amended to read as follows:

E. National Housing Agency. There is hereby assigned to the National Housing Agency for disposition all surplus war property of the class of housing property. Housing property shall be deemed to include community facilities financed through the National Housing Agency which are located on the sites of, or erected for or used in connection with, housing projects, in cases where, due consideration being given to the adjoining community's rights in or partial use of such facilities, disposition thereof in

conjunction with the disposition of the housing project is deemed by the National Housing Agency to be desirable and in the public interest. Housing property shall not be deemed to include vacant land, or structures other than houses, remaining after the houses of a housing project have been removed, demolished or otherwise disposed of.

- 3. Part I F is amended to read as follows:
- F. Federal Works Agency. There is hereby asisgned to the Federal Works Agency for disposition all surplus war property of the following classes:

(1) All non-industrial real property of every character, including buildings and fixtures, other than that disposed of under part I B or I E hereof.

(2) All comunity facilities financed through the Federal Works Agency.

- 4. Part II C (1) is amended by inserting the following sentence between the first and second sentences of subparagraph (b): "All reports of surplus war property which is non-industrial real property shall be made on Form SWPA-5 which shall be used in the manner set forth in the instructions accompanying such form."
- 5. Part II C (2) (a) is amended by changing the proviso therein so as to read as follows: "Provided, however, That (a) termination inventory property located within the continental United States, its territories and possessions may be reported to the appropriate regional office of Reconstruction Finance Corporation, and (b) where it proves impracticable to make a sufficiently complete segregation of the various classes of supply property of the Army or Navy similarly located, this regulation shall be deemed to be complied with if such supply property is reported to the appropriate regional office of the Procurement Division of the Treasury Department;"

Part II is further amended by adding the following paragraph at the end thereof:

D. Where owning agency is disposal agency. Where an owning agency determines property to be surplus to its needs and responsibilities, and such surplus war property is of a class which is assigned to that same agency as a disposal agency hereunder, the reporting procedures set forth above shall not be mandatory: Provided, however, That adequate book records shall at all times be maintained, in a manner submitted to and approved by the Administration, clearly segregating from all other property under the control of the agency, property which it has determined to be surplus and which it holds for disposition pursuant to this regulation, and that information as to property so held shall be made available for inspection, circulated and reported in the same manner as information with respect to surplus war property declared to it by other owning agencies. For purposes of this provision, the subsidiaries of Reconstruction Finance Corporation through which that Corporation acts in disposi-

tions hereunder, and that Corporation itself, may be treated as a single agency.

- (7) Part III C is amended by adding at the end thereof the following para-
- (6) Miscellaneous. Owning agencies may dispose of property produced as a result of industrial, research, agricultural or livestock operations, or residual to any public works construction or maintenance project, carried on by them, to the extent authorized by existing law, under established procedures and methods of the agency, if such procedures or methods have been filed with the Administration. Such sales shall be reported to the appropriate disposal agency in such manenr and at such times as such disposal agency shall
- 8. Part III E is amended by adding the following subparagraph at the end of paragraph (2):
- (c) In the case of surplus real property the owning agency will protect and maintain the property until disposed of by the disposal agency, unless the disposal agency shall theretofore assume responsibility for such protection and maintenance. Accountability for such property will remain in the owning agency until such disposition or assumption of responsibility by the disposal
- 9. Part VIII is amended by adding the following sentence at the end thereof: "Except in cases of withdrawal of property by the owning agency pursuant to part III D (2) hereof, disposal agencies shall transfer surplus war property to acquiring agencies at the fair value thereof as fixed by the disposal agency, unless transfer without reimbursement or transfer of funds is specifically authorized by law."

10. Exhibit I is amended as follows: a. In Group 19, Chemicals, the entire assignment of property to the Procurement Division of the Treasury Depart-

ment is deleted.

b. In group 32, Electrical Machinery and Apparatus, the assignment of fuses to the Procurement Division of the Treasury Department is changed from

"32 514 Plug Fuses" to "32 51 Fuses."
c. In Group 57, Indicating, Recording and Controlling Instruments and Accessories except watches and clocks, the assignment of thermometers to the Procurement Division of the Treasury Department is changed from "57 11 Thermometers" to "57 112—Glass Stemmed Laboratory Thermometers, 57 113—Glass Stemmed Clinical Thermometers, 57 114-Household and Commercial Thermometers, 57 119-Thermometers Not Elsewhere Classified."

d. In Group 65, Drugs and Medicines, the entire assignment of property to Reconstruction Finance Corporation is deleted.

W. L. CLAYTON. Administrator.

JULY 26, 1944.

[F. R. Doc. 44-11228; Filed, July 28, 1944; 10:24 a. m.l

[Reg. 2]

POLICIES FOR DISPOSAL BY RECONSTRUC-TION FINANCE CORPORATION OF CERTAIN REAL ESTATE

Scope of regulation. This regulation establishes policies to be carried out by Reconstruction Finance Corporation in the disposal of surplus real estate, other than industrial real estate, assigned to it for disposal by the Administration's Regulation No. 1 as supplemented effective August 1, 1944.

The policies here stated are thus not made applicable to disposals of surplus industrial plants, housing property or community facilities. Such disposals present special problems with which the appropriate disposal agencies are familiar, and in some instances are governed by special statutory provisions.

The principles embodied in this regulation are nevertheless believed to be basically sound in connection with disposals of all types of surplus real estate. and it is recommended that they be observed in the disposal of industrial plants, housing property and community facilities to the extent consistent with the special problems and statutory requirements governing such disposals.

I. Basic principles—A. Objectives. In disposing of surplus war property consisting of real estate other than industrial, Reconstruction Finance Corporation shall seek to achieve the following objectives:

(1) To sell as promptly as possible at current values without undue disruption of the market.

(2) To sell outright, using leases only as temporary measures and reserving the right of Government recapture only if national defense so requires.

(3) To sell in family-sized parcels and to purchasers who will themselves put the land to productive use.

(4) To give former owners an opportunity to repurchase their land at current market value.

(5) To avoid sales to speculators or persons planning to combine small tracts into large ones for speculative purposes.

II. Relations with Government Agencies-A. Consultation and assistance. Reconstruction Finance Corporation shall request the War Department, the Navy Department, the Department of Justice, the Department of Agriculture, the Department of the Interior, the Public Buildings Administration, the National Housing Agency, the Civil Aeronautics Administration and such other agencies as Reconstruction Finance Corporation may from time to time select, each to designate a representative to serve on a Surplus Real Estate Advisory Committee to give advice, suggestions and recommendations to Reconstruction Finance Corporation with reference to the problems of real estate disposal. Reconstruction Finance Corporation may also call upon other Federal agencies for the performance of appropriate functions in connection with a disposal program or for the temporary assignment of technical personnel, on a loan reimbursable basis, for employment under Reconstruc tion Finance Corporation supervision.

Procedures shall be developed for consultation and cooperation of field agencies.

B. Transfers to Federal agencies. (1) Surplus land which has been used by an owning agency by permit from another Federal agency, shall be returned to the original Federal agency as soon as practicable. Such lands, however, which have Government owned improvements thereon, need not be returned to the original Federal agency until disposition has been made of the improvements.

(2) (a) Surplus land, upon request and proper authorization from another Federal agency, shall be transferred to the requesting agency; arrangements shall be made for suitable notice of the availability of surplus lands to agencies which rem likely to be interested.

(b) Submarginal and marginal lands; in certain instances, may be temporarily withheld from the market and called to the attention of the Federal agency which is usually interested or which usually administers such land, in order that it may conduct an investigation and request transfer to it of such land.

(c) Surplus lands which are intermingled with, contiguous or proximate to Federal land use projects and which are of the same general character as the original Federal project and suitable for inclusion therein, may be transferred to the Federal agency administering the primary area upon receipt of request and proper authorization. Such intermingled land further shall be temporarily withheld from sale and called to the attention of the interested Federal agency in order that it may conduct an investigation and request such transfer.

(d) Transfers made pursuant to paragraph 2 (a), 2 (b) or 2 (c) above shall be made for a reimbursable amount representing the fair market value, as determined by the Reconstruction Finance Corporation, unless a transfer without reimbursement or transfer of

funds is valid under law.

(3) In general where restoration of lands, which are to be returned to other Federal agencies, has not been effected by the owning and declaring agencies, the Reconstruction Finance Corporation shall consult with the declaring agency and recommend to the Administration a course of action, when such appears feasible and the cost thereof reasonable, which may enable restoration of the land to be made.

C. Transfers to State agencies. Cases in which a preference to purchase or lease has been requested by States, counties, municipalities, or political subdivisions thereof, shall be referred by the Reconstruction Finance Corporation with full information and recommendations to the Administration for its decision.

plans. Reconstruction Finance Corporation shall establish procedures whereby, prior to disposing of any substantial land area, such as a camp site or air field, a general disposal plan for the entire area shall be prepared, with the recommendations of the appropriate field representatives, giving full consideration to views of local individuals, groups or

organizations, and approved by Reconstruction Finance Corporation in Washington, D. C.

B. Appraisals. All disposals shall be preceded by appraisals obtained by Reconstruction Finance Corporation Disposing Loan Agencies. Appraisals shall be made only by experienced individuals who are qualified to do such work. Such individuals may be staff appraisers of Reconstruction Finance Corporation Disposing Loan Agencies, individuals employed on a loan reimbursable basis from other Federal agencies or independent appraisers in private business. Individuals making appraisals shall be selected from the local territory in which the land to be appraised is located. In sales projects, where a large number of tracts are to be sold, review spot check appraisals shall be made in the field and all appraisals shall be reviewed by qualified individuals designated as chief appraisers. The basis of appraising shall be the estimation of fair market value which may be defined as the highest price in terms of money which land will bring, if exposed for sale in the open market with reasonable time to find a purchaser, buying with a full knowledge of all the uses and purposes to which it is adapted and for which it is capable of being used. The estimated fair market value of any parcel of real estate shall be for its entirety although the estimated value of land and improvements may be indicated separately as a memorandum. All appraisal reports shall contain the appraiser's certification that he has no interest, direct or indirect, in the property or sale or disposition thereof. Appraisers shall be requested specifically to give full consideration to market values and trends in the territory where the property is located which he is appraising.

C. Surveys, plats and layouts. All real estate to be sold shall be adequately identified by legal description in order that prospective purchasers may know exactly where the property is located and its area. Surveys shall be made, when necessary, and markers or monuments will be placed on the land. While agricultural and other rural land should ordinarily be replotted into family-sized units, it is not contemplated that urban land will be replotted, unless replotting will permit more advantageous sales for the Government. Cooperation shall be maintained with local officials in the matter of providing for roads and other public utilities in replotting land. Orderly and complete disposal, maintenance of market stability and provision of full economic and productive opportunity to purchasers, may necessitate the subdividing of land into economic use or operating unit areas, without regard to the size of the original tracts acquired by the Government.

D. Selection of buyers. Every effort shall be made to find buyers who will purchase surplus real estate for use and not for speculation. Surplus land shall be sold only in useable units and shall not be sold in large blocks for speculation or to buyers who may wish to assemble large areas of land for speculative future use. When a land unit of

sale approximates the original tract, the former owner shall ordinarily be granted a preference to buy at the fair market value as determined by the Reconstruction Finance Corporation. In other cases a preference shall usually be granted to former owners in the area being sold, to purchase any available tract at the fair market value as determined by the Reconstruction Finance Corporation. Such preferences shall be for a reasonable period following publication and written notice to the former owner at his last known address. Preferences referred to herein shall not be extended beyond actual former owners or surviving spouses.

E. Sales methods and prices—(1) Prices. Surplus war real estate shall be sold at fair market values or at prices representing a reasonable departure therefrom, regardless of its original cost.

(2) Procedures. Wide publicity and advertising shall be given to all sales. Advertising shall be through local newspapers and publications and sale signs shall be posted on lands to be sold. Sales may be made by informal bids, sealed bids, or by negotiation. Negotiated sales are considered preferable and should be used more extensively than other methods. Bids shall be subject to rejection, if offers are not considered satisfactory. Adequate cash deposits will be required with each bid. Sufficient time shall be allowed, in the terms of bids or offers from purchasers, to permit adequate consideration and for determinations by the Reconstruction Finance Corporation Board of Directors. In the event it is determined that surplus real estate cannot be sold within a reasonable period, it may be leased by short-term-leases in order to obtain the maximum return pending such time as it may be sold.

(3) Brokers. Where, in its judgment, disposals will thereby be made to the better advantage of the Government, Reconstruction Finance Corporation is authorized to utilize the services of approved and established real estate brokers. No exclusive listings of real estate shall, however, be made with brokers. Brokers shall not be paid a commission for leasing or selling real estate to another Government agency or to an individual, firm or corporation sponsored by another Government agency. Commissions not to exceed established conventional rates, ordinarily paid in a particular community, may be paid to brokers who perform the service of producing buyers and negotiating sales to them. Such commissions shall be paid only after sales transactions have been consummated and a further requirement shall be that the buyer will execute an affidavit to the effect that the broker to whom the commission is to be paid is the only broker whom he recognizes or had any dealings with in connection with the sale and that the broker did perform such services as are ordinarily performed by a broker in bringing buyer and seller together.

(4) Salesmen. Sales managers and salesmen may be individuals in the employ of the Reconstruction Finance Corporation Loan Agencies, individuals employed on a loan reimbursable basis from

other Federal agencies or independent brokers. Salesmen shall be thoroughly instructed as to their duties and manner of performance before entering upon such duties.

F. Financing. The Reconstruction Finance Corporation shall assist in the financing and extending of credit terms to purchasers, calling to their attention the availability of the loan facilities of other Federal agencies, as well as life insurance companies, mortgage loan institutions and other private financing sources, and making such use of its own loan facilities as are consistent with its lending policies and needed to facilitate the disposal program. The amount of such financing and terms in each case, of course, will depend upon the loan policies of the agency or institution providing such accommodations. All sales, however, shall be firm and not speculative and adequate cash payments shall be required. Purchasers shall be required to provide insurance coverage to protect the interest of any mortgagee.

G. Conveyances. All conveyances of surplus real estate shall be by the usual quit claim deed or by other appropriate

conveyance without representation or warranty. Purchasers may be permitted to copy or inspect any title papers which are in the possession of the Government, at their own expense and at a place designated by the Reconstruction Finance Corporation. Every facility now available to the Government shall be made available to purchasers to minimize the cost of title examination to them. Deeds may provide for a recapture clause in the event that land being conveyed may be required again by the Government in a future National emergency. Decisions as to whether conveyances will contain recapture clauses, shall be made after recommendations have been requested and received from the interested Government agencies such as War Department, Navy Department, Civil Aeronautics Authority, etc. In general, conveyance instruments shall be of such nature as to vest title in private ownership in order that real estate may be put back on a tax paying status. Sales contracts, in which the Government retains title may be made in exceptional cases when such procedure may be absolutely necessary. Such cases, however, shall be kept at a minimum.

H. Records and publicity. The Reconstruction Finance Corporation shall assemble and maintain adequate and comprehensive records which will indicate clearly the extent of investigation and analysis which it has made in developing disposal plans and in testing out the market prior to making sales. It shall also adopt procedures for keeping the public fully advised of its progress and plans with reference to the disposal of surplus real estate.

I. Relations with Administration. The Administration shall be consulted prior to the making of any major changes in the organization of Reconstruction Finance Corporation for the handling of real estate disposal, or in its mechanics, policies or procedures for such disposal. and also prior to the making of any maior disposals which may involve questions of policy or the establishment of

a precedent.

W. L. CLAYTON. Administrator.

JULY 26, 1944.

[F. R. Doc. 44-11223; Filed, July 23, 1944; 10:24 a. m.]

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